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Mr T Stott
The Highland Council
Planning & Building Standards
Glenurquhart Road
Inverness
IV3 5NX

Our ref: LDP-270-4

20 March 2015

Dear Mr Stott

**INNER MORAY FIRTH PROPOSED LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
SUBMISSION OF THE REPORT OF THE EXAMINATION**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 24 July 2014. We have completed the examination, and now submit our report, enclosing one bound copy.

In our examination we considered all 52 issues arising from 849 unresolved representations which were identified by the council. In each case we have taken account of the summaries of the representations and the responses, as prepared by the council, and the original representations, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the council and other parties. We did not require to hold any hearings or formal inquiries.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.



A letter will be issued to all those who submitted representations to inform them that the examination has been completed and that the report has been submitted to the council. It will advise them when the report will be available to view on the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=115170>

and on the council's website at:

www.highland.gov.uk/imfldp

A copy of the report will be available to view at Highland Council Headquarters, Planning Reception, Glenurquhart Road, Inverness, IV3 5NX.

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

Trevor A Croft
Reporter

Stephen Hall
Reporter

Don Rankin
Reporter

REPORT TO THE HIGHLAND COUNCIL

INNER MORAY FIRTH PROPOSED LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: Trevor A Croft BSc DipTRP ARSGS FRSA MRTPI
Stephen Hall BA(Hons) BPI MRTPI
Don Rankin DipTCP MRTPI

Date of Report: 20 March 2015

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Examination of Conformity with the Participation Statement

1. Section 12(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) states that a person appointed to examine a proposed strategic development plan “is firstly to examine ... the extent to which the strategic development planning authority’s actions with regard to consultation and the involvement with the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 10(1)(a).” Paragraph 110 of Planning Circular 6:2013: Development Planning indicates that in this assessment the appointed person is only expected to refer to existing published documents such as the participation statement, the report on conformity and any representations relating to the authority’s consultation and public involvement activities.

2. The proposed Inner Moray Firth Local Development Plan was published in November 2013. The development plan scheme current at that time was published earlier in 2013.

3. The development plan scheme does not contain a section entitled ‘participation statement’. However it appears, and the council’s report of conformity confirms, that a set of commitments contained on pages 21 and 22 of the development plan scheme are intended to form the participation statement. This section includes the various measures the authority proposed to take to inform stakeholders about the development plan process. These include actions relating to:

- a) Working with the local media;
- b) Use of social media;
- c) Placing material on the council's website;
- d) Seeking feedback;
- e) Improving the website and other IT;
- f) Provision of paper copies of documents;
- g) Email and post updates;
- h) Provision of contact details;
- i) Encouraging people to get involved in planning;
- j) Using council committees; and
- k) Providing guides and on-line videos.

4. Because it is not wholly clear which parts of the development plan scheme should be considered to form the participation statement, I have also considered various other statements in the document that potentially relate to participation/public involvement. These comprise a general commitment in the first paragraph of page 19 to ask people’s opinion and encourage people to take part, and a re-iteration of the Scottish Government standards for community involvement contained on page 20.

5. The report on conformity with the participation statement was published in June 2014, and submitted to Ministers along with the proposed plan. It sets out the manner in which the council considers its actions in regard to the participation conformed with, or went beyond the requirements of, the proposals (listed above) contained in the development plan scheme. No representations on the proposed plan led me to conclude that the council had not acted in the way it said it would in its participation statement.

6. Having considered the report on conformity, I found that the authority had consulted on the plan and involved the public in the way it said it would in its participation statement, in accordance with Section 12(2) of the Act. Being satisfied, I therefore proceeded to examine the issues raised in representations on the proposed local development plan.

Issue 1	Vision and Spatial Strategy	
Development plan reference:	(Paras 1.4-1.5, Pages 7-8)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Royal Burgh of Tain Community Council (00322) Scottish Water (00396) James Grant (00920) Erlend Tait (01139)</p>	<p>Friends of the Earth Inverness (01208) Richard Ardern (02091) Scottish Wildlife Trust (04180) Alistair de Joux (04261) Sean Danaher (04266)</p>	
Provision of the development plan to which the issue relates:	Vision and Spatial Strategy	
Planning authority's summary of the representation(s):		
<p>James Grant (00920) - Seeks Plan content to encourage agriculture because: agriculture is one of the most important facets of Highland life, economy, culture, landscape and habitat; wider national and Council policy says good agricultural land should not be built on; true sustainability depends upon local food production, and; good farmland should only be built on if there is an overriding imperative to the sustainability of the Highlands.</p> <p>Richard Ardern (02091) - Welcomes general Plan vision to improve Inverness to Tain and Inverness to Nairn railways but seeks further rail improvement safeguards because: rail is an environmentally friendly and sustainable transport mode which is a vital alternative for the Highlands, especially if oil supplies run short for economic or global political reasons; an Evanton rail halt will serve the housing expansion and act as a "parkway" when the A9 Cromarty Bridge is being rebuilt; of likely future increase in and need to encourage both passenger and freight traffic for example at Nigg Invergordon and distilleries, and; of need to safeguard potential improvement sites from competing developments.</p> <p>Scottish Water (00396) - Supports the Council's drive to utilise existing spare capacity wherever possible because this helps maximise the sustainability of development, minimises development costs and ensures that funding for increased treatment capacity can be targetted appropriately and efficiently.</p> <p>Erlend Tait (01139) - Economic growth must not be given priority over quality of life.</p> <p>Friends of the Earth Inverness (01208) - Seeks more Plan content to reduce carbon footprint of human activity in Highland because: achieving carbon targets will be very difficult with demand increasing and energy prices increasing; the Plan can play a role in re-localising the Highland economy, and; the Highlands is very vulnerable to fuel price increases and should be more insulated from such increases.</p> <p>Alistair de Joux (04261) - Seeks additional references to sustainability initiatives generally and within particular settlements because: Tornagrain is the only stand-alone new town to</p>		

be provided under the Scottish Sustainable Communities Initiative and as such it should incorporate exemplary very best practice cycling, walking and sustainable transport infrastructure; to encourage local food production; to ensure human diversity; to allow flexibility to changing needs and market demand; petrol stations are harmful to sustainability because they cater almost exclusively for the least sustainable forms of transport and they undermine retail provision within town and local centres.

The Royal Burgh of Tain Community Council (00322) - Plan shouldn't be a strict set of rules because: it is unrealistic for development to be Plan led; Tain's very recent experience with Lidl, Asda, Tesco, and Nigg prove it is and always will be developer led, and; this risks inflexibility in planning application determination.

Sean Danaher (04266) - Seeks explicit policy on reducing light pollution because: of adverse impact on Highland dark sky asset for locals and tourists; would tie in with the Council's Carbon Clever agenda, and; street lighting and ill directed domestic and commercial security lighting can be controlled.

Scottish Wildlife Trust (04180) - Seeks the breaking up of the Cromarty Firth designated growth area to allow more integration of green areas. Highland Deephaven abutting Alness Bay is an important migration site for wildfowl and waders.

Modifications sought by those submitting representations:

James Grant (00920) - Additional, detailed Plan proposals to positively promote agriculture for each area. Land should be allocated and safeguarded for agricultural use in the same way as for business and industrial uses.

Richard Ardern (02091) - Land safeguarding for rail improvements including: places to allow doubling of running tracks and construction of sidings and to allow easy access by both passengers and goods vehicles; land and bridge allowance for dual tracking to Inverness airport along the A96; reinstatement of the former double track section between Clachnaharry and Clunes (Kirkhill) together with reinstated loops at Evanton and Kildary; expansion of the Conon Bridge rail halt car park on land north of CB6; the reopening of the railway station at Fyrish Crescent, Evanton; a better drop off replacement bus and car parking zone at the south east side of the station in Inverness (there were supposed to be 22 parking spaces but only 13 have been provided); an increase in the loading gauge on the section between Elgin and the potential transshipment sea port of Invergordon to permit larger international size containers to be carried; planned freight interchanges at Invergordon and Evanton (including good rail access to the piers and wharves); a future rail connection from the Nigg station area to the Global Energy complex at Nigg; a new rail siding at the Norbord wood plant at Morayhill to replace the compromised existing one, and; rail freight sidings at Nairn, Dalcross Airport, Inverness, Muir of Ord, Dingwall, Alness, Fearn, Tain and Edderton. A reference that the Inverness to Tain line improvements should include an all day, hourly service. Deletion of non rail uses for railway sidings site in Invergordon.

Scottish Water (00396) - None – comment of support.

Erlend Tait (01139) - Plan text stating that economic growth will not be given priority over quality of life.

Friends of the Earth Inverness (01208) - Plan content should be amended to be consistent with other plans i.e. the ambitious aims for a carbon neutral Inverness in a low carbon Highlands - e.g. inclusion of a policy like the Merton (Council) Rule (web link provided) for housing currently under construction and longer term requirement for zero carbon houses.

Alistair de Joux (04261) - Additional references to sustainability initiatives as follows. West Inverness Paragraph 4.9: Add the following additional bullet point: provide dedicated cycle and walking path provision in the planned urban extensions both into the City and to other destinations further afield, particularly where these are for 50 dwellings or 100 new jobs or more. South Inverness Paragraph 4.11: Amend the second bullet point to include, in place of "Bught and Torvean and better access routes to the countryside", to: ...Bught and Torvean, better access routes to the countryside and into the City and to other destinations further afield, particularly for urban extensions and other development where these are for 50 dwellings or 100 new jobs or more. Nairn Paragraph 4.32: Amend the fourth bullet point to insert, in place of "road and rail improvements", to: road, cycle, pedestrian In paragraphs 4.33 to 4.41, insert reference to improved/additional cycle and pedestrian provision at an appropriate place. Tornagrain: provision for re-working the masterplan to provide the following. Allocation of areas with best soils within the site boundaries for food growing via allotments, large garden plots, community orchards and plant nurseries. A diverse range of house types and tenures within each street block. Flexibly designed multi use buildings on street corners. Sustainable energy infrastructure for example biomass-fired Combined Heat and Power plants, and community heating. Deletion of petrol station reference within Tornagrain and replacement provision on the A96 including provision of alternative fuels, a cycle service area and restricted, independent operator retail floorspace.

The Royal Burgh of Tain Community Council (00322) - Plan introduction should state that Plan is a guide first and foremost, and never a strict set of rules.

Sean Danaher (04266) - An explicit policy on reducing light pollution.

Scottish Wildlife Trust (04180) - Seeks the breaking up of the Cromarty Firth designated growth area to allow more integration of green areas.

Summary of responses (including reasons) by planning authority:

- The Plan is a development plan not one whose primary concern is the promotion of a particular land use. However, the Council's Highland wide Local Development Plan (HwLDP) contains supportive policies on crofting and agriculture [CD 1: Highland wide Local Development Plan, Policies 47 and 48, pages 96-97]. Land capability for agricultural production has been a factor in the Council's development site selection process but not an overriding one. Unfortunately, Highland's physical constraints mean that its proportion of developable land is low and concentrated on its flatter, better drained, coastal margins and similar, wider straths and glens. Naturally, this is also the better land for farming. The Plan's provisions minimise the irreversible loss of the better land and promote local food production alternatives such as allotments. Accordingly, the Council believes the Plan should be retained without modification.
- Support noted and welcomed. The Plan's supporting Transport Appraisal (prepared in conjunction with regional transport partners) which is referenced and linked in Plan paragraph 1.8 contains details of scheduled rail improvements [THC/Vision and Spatial Strategy/1, Transport Appraisal, All]. The Council believes that this detail

should be contained within a supporting document not within the Plan itself. The potential Evanton rail halt safeguard is already referenced within Plan paragraph 4.150. Transport Scotland is also wary of rail improvements being referenced within development plans where they have not endorsed them (see Tomatin Schedule 4). Accordingly, the Council believes the Plan should be retained without modification.

- The stated support for the Council’s Plan approach to the efficient use of existing and planned infrastructure capacity is noted and welcomed.
- The Plan, the Council’s other corporate priorities, and national guidance and legislation all embody a balance of economic growth with other factors including the quality of life of the nation’s population. Accordingly, the Council believes the Plan should be retained without modification.
- Strategic Environmental Assessment (SEA) has been integral to the Plan process particularly in terms of site selection and the choice of relevant developer requirement mitigation of climate change impacts. SEA involves consideration of all climate change issues relevant to the planning process. Accordingly, the Plan’s content does seek to “localise” (and therefore reduce unnecessary non active travel) by allocating mixed use sites within all large communities, consolidating most development within settlements, promoting active travel improvements, promoting more concentrated growth areas, and by encouraging “higher order” facilities to reduce the need for travel out of Highland (for example a regional university, a regional waste facility and larger retail facilities that will reduce trade leakage out of Highland). Accordingly, the Council believes the Plan should be retained without modification. However, if the Reporters feel more content is required then the Council would suggest that this is provided within the reviewed HwLDP when the Council has further developed its own corporate Carbon Clever Initiative [THC/Vision and Spatial Strategy/2, Carbon Clever Initiative Webpage, All] and the final content of the new Scottish Planning Policy and National Planning Framework 3 is known.
- As stated in the bullet point above, SEA and therefore sustainability has been integral to the Plan’s evolution and content. Tornagrain already has a detailed reference within the Plan (pages 68-70). The new settlement has a planning permission (see Tornagrain Schedule 4) which does not specifically mention petrol stations. However, the rail halt at the airport is planned but not yet committed and any 5,000 home new town will not be totally self sufficient and contained in terms of non active travel movement. It would be unreasonable to exclude the possibility of petrol stations within the settlement. Any petrol filling station could be located within the new settlement’s new town centre and if so would not compete with it. Accordingly, the Council believes the Plan should be retained without modification.
- The status of development plans is set out in legislation and the weight attached to any plan’s provisions rests with the relevant decision taker. Accordingly, the Council believes the Plan should be retained without modification.
- The Council’s HwLDP contains an adequate policy [CD 1, Policy 72, Page 129] which provides pan Highland coverage on this topic and requires developer assessment, avoidance, mitigation and monitoring of any significant pollution likely to be caused by a development proposal. This includes light pollution. More proactively, the Council is working with dark skies candidate areas to produce non statutory planning guidance on this issue. Unfortunately, many sources of light pollution in these areas such as householder security lighting are outwith planning control. The Council is renewing its own streetlighting with lower, downward emission lights as resources allow and reducing the hours and strength of illumination to reflect peak and off peak travel times. Accordingly, the Council believes the Plan should be retained without modification.

- The Easter Ross nature conservation sites and designations carry their own statutory protection from development. More positively, the HwLDP [CD 1, Policy 74, Page 131] commits the Council to produce detailed green network supplementary guidance for the Ross-shire growth area. Accordingly, the Council believes the Plan should be retained without modification.

Reporter's conclusions:

1. A range of individual matters relating to the plan's strategy are discussed under this issue.

2. Regarding the treatment of agriculture in the plan, measures to promote farming are not primarily for the planning system to take. However, development may impinge upon farming interests, and where this is a significant issue, this may be a suitable topic for development plan policy. The Highland-wide Local Development Plan contains the council's area-wide general policies to manage development. It includes policies on safeguarding inbye/apportioned croftland and on new/ extended crofting townships. In contrast, the purpose of the Inner Moray Firth plan is primarily to identify specific sites for development. I conclude that the council has dealt with the planning-related aspects of agriculture adequately elsewhere, and that it is not necessary or appropriate to include further policies on this topic in the proposed plan.

3. Regarding railways, a number of detailed suggestions are made to safeguard additional land for rail-related infrastructure, including for double-tracking, new sidings, and station car parks. Some of these ideas may have merit, but the local development plan process is not best placed to establish the principle of detailed transport infrastructure schemes. While there may be a role for the plan in safeguarding land for schemes with agreed potential, it does not appear that the ideas suggested by the representee have yet been endorsed by Transport Scotland. The likelihood of their being delivered is therefore uncertain, and a plan safeguard could be misleading. In these circumstances I decline to recommend any additions to the plan.

4. Regarding concern that the vision and spatial strategy should not give economic growth priority over quality of life, I note that the vision for the area was set out in the adopted Highland-wide Local Development Plan. The summary contained in paragraph 1.4 of the Inner Moray Firth plan includes a number of bullet points containing both economic aims and aims that could be said to relate more directly to quality of life issues, such as transport and enhancing special places. No prioritisation is included or implied among these aims. Regarding the quality of architecture, design is an area-wide issue that is adequately covered in the Highland-wide Local Development Plan. For these reasons I conclude that no modification is required to the plan.

5. Decarbonising and 're-localising' the Highland economy are ambitions that extend well beyond the land use planning system. However development plans do have a role to play. In this regard I note that the plan has been subject to strategic environmental assessment, and the vision for the Inner Moray Firth incorporates such elements as having more efficient forms of transport, regeneration and renewal, and diversifying the economy. Specific suggestions relating to on-site renewable energy generation and zero carbon houses may have some merit, but are area-wide development management issues that I would expect to see covered in the Highland-wide Local Development Plan, rather than this local area plan which focuses on site allocations. Overall I conclude that

no changes to the proposed plan are necessary.

6. Alistair de Joux suggests a number of additions to the text of the plan relating to sustainability, particularly to sustainable transport. Some of these suggested additions are too long to include in the plan without it becoming unbalanced. General policy statements are better suited for inclusion in the Highland-wide Local Development Plan rather than this area plan which focusses on site allocations.

7. I consider the matter of active travel in more detail at Issue 9, where I recommend additional text be included in the Inverness to Nairn growth area strategy section of the plan in order to give more prominence to active travel. I also conclude at Issue 9 that this is an area that the council could usefully include more detail on, as part of their wider green network proposals, in the next iteration of the plan.

8. Tornagrain is discussed in more depth under Issue 20. This proposed development benefits from planning permission, and is subject to an overall and individual developer masterplans. Many of the matters raised in Mr de Joux's representation relate to good placemaking practice and are not necessarily specific to Tornagrain. They are therefore captured by the design and placemaking policies of the Highland-wide Local Development Plan, and do not require setting out in the area local development plan. Matters of detail are most appropriately addressed at the masterplan level.

9. Regarding the reference to petrol stations, it is not realistic to expect residents of Tornagrain to make no use of private cars and therefore not to require access to these facilities. It would not be sustainable to require residents to drive to Nairn or Inverness to purchase fuel. I am therefore content for this reference to remain.

10. Regarding the status of the local development plan, this is already described briefly on page 2 of the proposed plan. However it is not essential for the plan to describe the legal status of development plans, which is a matter of law.

11. Regarding light pollution, this matter is covered by Policy 72 of the Highland-wide Local Development Plan. As an area-wide development topic, this is the most appropriate location for such a policy, rather than this area local development plan which focusses on site allocations. No modification is therefore required.

12. Regarding the Ross-shire Growth Area, this is a broad strategic concept, involving no suggestion that there will or should be continuous built development along the northern shore of the Cromarty Firth. The proposed plan clearly identifies the extent of land that is promoted for development, and designated nature conservation sites are separately protected through the policies of the Highland-wide Local Development Plan. The council also points to Policy 74 of the Highland-wide plan, which commits the council to identifying green networks around sub-regional centres. Lastly, breaking the Ross-shire Growth Area up into separate areas would diminish the clarity of the spatial vision of the plan. For all these reasons I conclude that no modification is required.

Reporter's recommendations:

No modifications.

Issue 2	Guiding and Delivering	
Development plan reference:	(Paras. 2.1, 2.10-2.25, Page 10, 13-17)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
Westhill Community Council (00324) Albyn Housing Society Ltd (00419) Halliday Fraser Munro (00428) C Stafford (00511) Joan Noble (00879) Brian Stewart (00993) Scott Macdonald (01248)	Scotia Homes, Barratt East Scotland & Robertson Homes (01310) Anthony Jefford (03967) Cromarty Firth Port Authority (04218) F&C REIT Asset Management (04407) Scottish Council for Development & Industry (SCDI)(04485) Andrew Currie (04493)	
Provision of the development plan to which the issue relates:	Guiding and Delivering Development	
Planning authority's summary of the representation(s):		
<p><u>Guiding and Delivering Section: General</u></p> <p>Anthony Jefford (03967) - Seeks more support for cycling because: Scottish Government has set national targets and strategy that should be followed; there should be an integrated cycle network structure to allow for safer, more direct and more frequently used commuter journeys as well as national long distance, recreational trip routes; cyclist casualties are rising with six in ten fatalities taking place on rural roads; commuter routes should integrate with bus and rail stops to allow non-car modal shift, and; an integrated cycle network spreads further than just allocated development sites.</p> <p>Brian Stewart (00993) - Para 2.15 because it should refer to more than infrastructure because certain necessary investments to support development are missed out such as schools and the A96. Para 2.16 because: it only states the obvious and offers no policy or guidance, and foot and cycle ways are as essential as infrastructure as roads. Para 2.17 because: this is misleading and inadequate; important areas of green open space in Nairn which have amenity value/benefit to the community are not identified elsewhere in the Plan and should be including the Links, the beaches, Viewfield and the Riverside; inclusion in the Green Networks SG and/or the Greenspace Audit is not an adequate alternative; the Inverness to Nairn Coastal Path is part of a specific objective identified in NPF3 and should therefore be covered explicitly and in detail within the Plan infrastructure section. Para. 2.20 because: the reference to "active travel networks is cryptic and opaque and should be more specific. Para 2.21 – no stated reason. Para 2.22 because: second sentence is incoherent and if transport appraisal is an integral part of the Plan and itemises the objectives and projects then there should be a live link to it. Para 2.23 because: it would add Plan detail and meaning. Para 2.24 because: elements of infrastructure fall between the national (NPF) proposals and the site-specific (developer-funded) requirements and Plan should recognise this. Para 2.25 because: masterplanning</p>		

is only useful if it reflects and takes account of the local community's views, and; a masterplan devised by a developer has no value unless it has local endorsement and support as well as complying with planning guidance. Policy 2 and 3 because: the criteria apply to all developments, not just those in "Other Settlements".

Scottish Council for Development and Industry (SCDI)(04485) - Supports the town centres first principle because more needs to be done to both encourage and support businesses and public sector agencies to locate in city/town centres. Recognises that there will be huge demand for additional housing in the coming years and believes that sufficient land is allocated to meet that need within the Plan but believes there is a real challenge in unlocking the land allocated which will require infrastructure investment. Supports and recognises the importance of connecting Scotland's cities with transport infrastructure that not only meets current demand but supports economic growth across Scotland.

Andrew Currie (04493) - Seeks greater Plan reference to importance of crofting because: there is a considerable part of the Plan area that is under crofting tenure; there is scope to increase the crofting acreage as perfectly useful agricultural land ceases to be used for mainstream farming due to its unsuitability for modern heavy farming equipment; crofting contributes to the visual character of the area; there is a continuing demand for crofting tenancies; the need to revitalise crofting areas is recognised by the Scottish Government and Crofting Commission; new crofts can help maintain viable rural communities; the Inner Moray Firth is a perfect area to have a part time croft because other employment opportunities are readily available, and; because planning decisions have not taken account of crofting because the relevant policy is less obvious in the Highland wide Local Development Plan.

Dr Donald Boyd, Westhill Community Council (00324) - Objects to eastern expansion of Inverness because: "Green corridors" through open farmland must be retained in East Inverness and not only adjacent to the A96 corridor developments; the planned park at Ashton Farm is welcome but not sufficient; open farmland and green space close to a city would be the envy of many councils; the undeveloped land would give the city space to "breathe" and retain its image as "green Inverness"; approval has been granted already for 2475 houses at Stratton Farm development; of known flood risks in this area; developer contributions rarely materialize until a large part of the development has been completed; infrastructure such as schools, medical surgeries, roads, water and sewerage have struggled to cope with extra housing and new investment in that infrastructure lags too far behind development; developer contributions need to be secured in a manner that minimises risk to the Council; the Council's previous 25% settlement expansion policy should be re-introduced; doesn't comply with principles of sustainable development, and; of the need to limit the current "urban sprawl".

Dr Donald Boyd, Westhill Community Council (00324) - Seeks a new policy because: strategically identified Gateways to Inverness and the Highlands should merit protection from inappropriate development; development proposals in these gateway areas should adhere to the principles set out in Highland wide Local Development Plan policies 28 Sustainable Design, 49 Coastal Development, 56 Travel, 57 Natural, Built and Cultural Heritage, 61 Landscape, 75 Open Space, 77 Public Access, 78 Long Distance Routes and others; a single, geographically defined policy would be better than a less explicit cross reference to another development plan, and; tourist gateways require a different, graded policy approach rather than simply applying an amenity area protection policy.

Andrew Currie (04493) - Seeks increased Plan references to rail improvement infrastructure because: earlier local plans were more specific about such improvements and their benefits; employment growth is happening and will happen in Easter Ross and the proposed A9 dualling will not reach this area; mainline services to Inverness, particularly from the south, deserve more suitable rolling stock; RailTrack was supportive of the idea of more frequent services between Tain and Nairn in light rail vehicles able to accelerate away quickly from frequent intermediate stops but was held back by the cost of a complete upgrade of the signalling system to meet the requirements of a mix of different types of rail traffic; a frequent light rail service through Inverness would be efficient because much of the population both now and as envisaged live relatively close to the rail route.

F&C REIT Asset Management (04407) - Supports Plan's measures to encourage more sustainable transport in the City and in particular the following projects: more frequent and faster railway journeys; Inverness City Centre to East Inverness walking/cycling route, and; West Link road scheme to relieve congestion in City Centre.

F&C REIT Asset Management (04407) - Need for correction of typing error.

Housing Requirements, Densities and Capacities

Housing Land Requirement Table1 and Map 4

Brian Stewart (00993) - Objects to Table 1 at para 2.10 and seeks revision: Table 1 has figures which are composite adjusted totals. They do not indicate how the "adjustments" have been made and they do not correspond to the figures on Map 4. The figures in the table should make clear in respect of each Housing Market Area, (a) what the baseline figure is - ie the actual real housing need/demand; (b) the 25% allowance (how many houses?), (c) the 'windfall' figure for each area; and (d) what additional allowance has been added to each area figure in respect of the 3,200 backlog for affordable housing.

Cromarty Firth Port Authority (04218) - Considers that Table 1, para 2.10 is currently ambiguous as to whether the number refers to an area or number of houses

Meeting the Housing Land Requirement

Scotia Homes, Barratt East Scotland & Robertson Homes (01310)

- Table 1: Housing Land Requirement (HLR) identifies the requirement for the six housing market areas (HMAs) in the Inner Moray Firth Plan area, based on the Council's 2010 Housing Need and Demand Assessment. The HLR is reflected in the Highland-wide Local Development Plan (HwLDP) which underpins the strategic requirements for the IMF Proposed LDP and which already designates sites NA8 and 9 for housing/mixed use development and requires to be reflected in the IMF Proposed LDP to be in conformity with the HwLDP.
- Considers that land at Nairn South already contributes to the effective housing land supply as identified in the latest Housing Land Audit justifying the identification of NA8 and NA9 as an allocation in the IMF Proposed LDP. The consortium would support an updated position on the Audit at the earliest opportunity.
- Table 1: Housing Land Requirement and Map 4 of the IMF Proposed LDP identify a requirement for housing in Nairn, within this HMA the HLR appears to have decreased marginally since the adoption of the HwLDP in April 2012.

- Paragraph 42 of PAN 2/2010 identifies that “Scottish Planning Policy (SPP) requires that a five-year ongoing effective land supply is available to meet the identified housing land requirements. The newly stated HLR does not detract from the principle need to continue to allocate the sites at Nairn South to fulfill existing and committed site-specific allocations identified in the HwLDP and as required to deliver the stated Housing Land Supply (HLS). The land within the consortium’s interest can achieve the effective delivery of the HLR for the area.

Housing Land Indicative Capacities

C Stafford (00511) - Object to the text as written in paragraph 2.12 and wish to see the third sentence of the paragraph altered as follows, “However a different capacity than that specified may be acceptable; for instance, where environmental policy indicates that a lower number may be necessary or where the presence of particularly high quality design and layout in an application demonstrates that an increase in unit number or density will bring numerous clear social benefits to the area.

Halliday Fraser Munro (00428) - Believes that the indicative capacities contained in the Plan should be acknowledged as such and that there is flexibility and to take account of the fact that these have not been assessed through a detailed design study, and also take account the effect changing market conditions will have on mix, tenure and densities. It should be made clear that there is potential over the Plan lifetime for the potential for these to change

Effective Housing Land

Albyn Housing Society Ltd (00419) - Concerned that there a shortage of deliverable sites particularly, but not only in Inverness. Many of the larger allocations in the Plan, in particular East Inverness, are constrained by the requirement for delivery of major infrastructure projects unlikely to be delivered within 5 years additionally the new settlement at Tornagrain is unlikely to progress in the current economic climate. In the experience of the Housing Associations an element of over-programming is desirable and it would not be unreasonable to increase allocated sites by 50%, in accordance with the Governments approach to shovel-ready sites Delivery of sites is constrained by high cost; landowner intransigence; infrastructure availability and cost; and release of sites generally. The Plan needs to be robust enough to cope with these constraints over the Plan period.

Believes the numbers proposed in the Plan are dependant upon public infrastructure which is likely to limit the delivery of the 18350 homes referred to particularly within the early years of the Plan The Council identifying the need for and progressing a masterplanning process for key strategic sites is welcomed however there should be stricter timeframes applied and this approach could be extended to other sites following an appropriate process of decision-making.

Growth Assumptions

Joan Noble (00879); Scott Macdonald (01248)

- Objects to Plan's growth assumptions and targets because: many informed parties regard the Council's projected population and housing figures for the next 20 years as ridiculously high, and completely unachievable [00879 GD GEN1 Population and housing analysis and graphs]; the recent downturn in the housing market and low completion levels demonstrates how unachievable the targets are; impracticable

Highland and area targets mean that settlement targets are overinflated and too much land is identified; recent annual population gains are far lower than predicted by the Council; over-allocation of housing land fuels unsustainable, speculative development, borrowing and house purchases; lessons should be learned from the property crashes in continental Europe; Nairn's recent population increases and house completions are very low compared to the Plan's forecasts, requirements and the capacity of allocated land; inadequate infrastructure to support high growth levels; loss of high quality agricultural land; contrary to Council policies on coastal development, landscape, sustainability, emissions, housing in countryside and ribbon development; new sites poorly related to existing settlement pattern; developers will have more certainty and are more likely to invest in proper infrastructure if there are fewer competitor housing sites allocated; results of previous consultations ignored.

- Highland Council should review estimates (downwards) in line with more recent housing demand. The Council Background note - Housing Land Requirement and the Contribution Of Windfall And Methodology For Calculating the Capacity of Housing and Mixed Use Sites stated 18343 as the Total Land Requirement for Inverness and Nairn combined, including a +25% "factor" for flexibility/market choice. The same document stated 7722 houses were built in in the Inverness and Nairn area in the 13 years between Jan 2000 and March 2013, i.e. at an average of 48.5 houses per month, and this was a period that included unsustainably high rates of housing growth. An equivalent high rate would translate to 11656 houses over the next 20 year period thus the 19350 house allowance in the IMFLDP is massively overestimated by approximately 7700 houses.
- Recorded housing need is from people who are not homeless but would just prefer better accommodation so there is a very low net additional need for houses; the current private rented housing market has adequate accommodation, encourages mobility and suits the current stagnant buyers market; there are around 200 houses on the second hand market at present; redevelopment and refurbishment of existing properties is more sustainable than new build on greenfield sites; indigenous need and demand can be accommodated on a small site in Common Good ownership.

Employment Growth

Joan Noble (00879) - A96 Growth Corridor concept flawed because jobs led growth at airport business park and Ardersier hasn't happened; instead Nairn has fewer jobs than 5 years ago; jobs have been created largely in Easter Ross and housing should be located there; Inverness and Forres enterprise zones are more likely to accommodate any new jobs in the Corridor not Nairn; the Plan's forecasts and targets should be flexible to new trends and changed circumstances not "locked in" for a longer period; Nairn cannot support the volume of housing proposed without a bypass and other improvements because the existing road network is wholly inadequate and the accident record on the A96 very poor; recorded housing need is from people who are not homeless but would just prefer better accommodation so there is a very low net additional need for houses; the current private rented housing market has adequate accommodation, encourages mobility and suits the current stagnant buyers market; there are around 200 houses on the second hand market at present; redevelopment and refurbishment of existing properties is more sustainable than new build on greenfield sites; indigenous need and demand can be accommodated on a small site in Common Good ownership; the scale of development proposed at Cawdor will have an adverse impact on the conservation area, its listed buildings, a key tourist asset and increased unnecessary travel because there are insufficient local facilities and jobs, and the adopted local plan envisaged much lower growth; inadequate Nairn sewerage capacity in terms of combined sewer overflow

capacity which pollutes Nairn River and the bathing water beaches; not sustainable to locate houses where there are few jobs - will only lead to increased commuting; Nairn's tourism appeal depends upon having a compact and thriving town with little congestion, not a sprawling dormitory suburb with higher levels of car commuting, and; lack of an evidence base to justify the Plan's contents.

Modifications sought by those submitting representations:

Guiding and Delivering Section: General

Anthony Jefford (03967) - Plan content that explains how the Council will comply with the Scottish Government "Cycling Action Plan Scotland" target that by 2020, 10% of all journeys taken in Scotland will be by bike and the wider aims of the Government's strategy.

Brian Stewart (00993)

- Para 2.16: [green spaces]: include specific reference to measures aimed at protecting and preserving existing green spaces and networks, and to proposals and targets, with timescales, for delivery of new or expanded green spaces. Also add reference to foot and cycle ways being essential infrastructure. Para 2.17: [green networks]: in final sentence, insert " a few" after 'safeguards'. Para 2.17, 2.18, 2.21: insert new paragraph on Moray Firth Coastal Path (Nairn-Inverness). Para 2.20: specific locations/routes for walking and cycling should be identified across the Plan area not just Network 78 and East Inverness. Para 2.21: [bullet points]: indicate where Cycle Network 78 runs, and itemise the actions envisaged in the Active Travel masterplans. Para 2.22: insert live link to transport appraisal. Para. 2.23: insert the main local and strategic transport infrastructure projects (bypasses, road upgrades, new junctions, etc) which are already identified, or identifiable as requirements over the next 5-10 years – e.g. A96 upgrade/Nairn bypass. Para 2.24: amend Plan to recognise that elements of infrastructure fall between the national (NPF) proposals and the site-specific (developer-funded) requirements. Para 2.25: insert after 'Masterplanning', "jointly by developer and local authority and subject to endorsement by the local community". Policy 2 and 3: Incorporate the criteria in the final two bullet points from Policy 3, with appropriate textual amendment into Policy 2. In Policy 3 insert "prior" or "timely" before "provision" and in Policy 3 in first bullet point, define "active travel range".

Scottish Council for Development and Industry (SCDI)(04485) - Greater Plan clarity on routes and timescales for the delivery of key transport infrastructure improvements such as the A9/A96 connection, West Link and the A96 dualling.

Andrew Currie (04493) - Explicit Plan references to the potential contribution of crofting to the future community and economy of the Inner Moray Firth area and the basic principle of protecting in-bye croft land.

Dr Donald Boyd, Westhill Community Council (00324) - Change of Plan strategy to delete eastern expansion of Inverness. Deletion of all significant development sites on the eastern flank of Inverness (assumed).

Dr Donald Boyd, Westhill Community Council (00324) - A new Gateway general policy within the Plan and Highland wide Local Development Plan.

Andrew Currie (04493) - Specify what is required in terms of railway improvements. Mention potential of a frequent light rail service through Inverness. Reflect need for adequate parking and existing and future rail halts.

F&C REIT Asset Management - Second sentence of paragraph 2.22 - remove 'has been taken' from the sentence.

Dr Donald Boyd, Westhill Community Council (00324) - A new Community Policy.

Housing Requirements, Densities and Capacities

Halliday Fraser Munro (00428) - Inclusion of text stating the indicative nature of the housing capacity figures.

Brian Stewart (00993)

- Para 2.10: Table 1: requires revision (see housing requirements representations and Schedule 4). Para 2.15 and 2.23: [infrastructure]: include reference to other investments required to support new development such as schools and the A96.

C Stafford (00511) - Seeks amendment to the text as written in paragraph 2.12 and wish to see the third sentence of the paragraph altered as follows, "However a different capacity than that specified may be acceptable; for instance, where environmental policy indicates that a lower number may be necessary or where the presence of particularly high quality design and layout in an application demonstrates that an increase in unit number or density will bring numerous clear social benefits to the area.

Cromarty Firth Port Authority (04218) - Amendment to Section 2, Table 1 Title should be changed from Housing Land Requirement to Number of Houses required.

Albyn Housing Society Ltd (00419) - Inclusion of further effective housing land allocations.

Albyn Housing Society Ltd (00419) - An increase in housing unit numbers for allocations

Brian Stewart (00993) - Revision of Table 1 at para 2.10 to clarify basis for figures.

Joan Noble (00879) - Much lower population forecasts and housing requirements at Highland, Inner Moray Firth and individual settlement levels and therefore fewer sites identified for housing development. These amended forecasts, requirements and allocation capacities to reflect previous completion rates and to only accommodate indigenous not speculative housing demand/need.

Scott Macdonald (01248) - Review of Housing Land Requirement and reduction in allocated sites.

Summary of responses (including reasons) by planning authority:

Guiding and Delivering Section: General

- The Council recognises the desirability of a network of cycle routes but with limited resources is prioritising its funding on routes which demonstrate the best benefits to

costs balance. For example, it is committed to a Millburn Road cycleway which will connect Inverness City Centre with the new university campus at Beechwood. It should be very well used, will provide considerable net benefit in safety terms and is relatively inexpensive in terms of land acquisition and construction. Comparatively, rural/commuter routes have far greater challenges in terms of multiple private landowners acquisition, the engineering challenges in creating routes close to trunk roads and waterbodies on steeply sloping land (for example alongside the A82 at Loch Ness and along the A862 just west of Clachnaharry), the length and therefore cost of schemes, the lower population numbers served, and the lower likelihood of achieving modal shift from private car travel where there are attractive commuter rail or bus service alternatives. Accordingly, the Council believes the Plan should be retained without modification.

- Para. 2.15 doesn't need to require improvement of the A96 by developers because Transport Scotland has already committed to its improvement. The Council has pan Highland Supplementary Guidance on education contributions [THC GD-GEN1 Developer Contributions Supplementary Guidance] which are applicable to developments within those school catchment areas experiencing capacity issues so there is no need for site specific references unless a land reservation is required. Similarly in para. 2.16, the Council's pan Highland Green Networks Supplementary Guidance [THC GD-GEN2 Green Networks Supplementary Guidance] sets out the detail of expected contributions on this topic. Para. 2.17 is sufficient in that it is inappropriate to provide Plan content to duplicate project information detailed elsewhere. The Nairn Town Inset Map shows and safeguards the greenspaces listed except the beaches which lie outwith the settlement boundary. If the Reporters see fit then the Council would be content that active travel networks is clarified as walking and cycling routes in para 2.20. The transport appraisal and model work that helps underpin the Plan is referenced and web-linked in para. 1.8. A listing of all infrastructure investment projects would add to the Plan's length. The Action Programme, other linked documents and the Plan's Map 1 provide sufficient and appropriate detail. It is not desirable or essential to have a community veto on masterplans particularly for peripheral, town expansion areas where the most affected residents will be the future householders not existing residents elsewhere in the town. Existing community groups don't always speak for future householders who will require a pleasant living environment, good accessibility to facilities and adequate infrastructure connections all of which will be shaped by the masterplanning process. The criteria within policies 2 and 3 are similar to those contained within the suite of general policies (particularly Policy 28: Sustainable Design) [CD1: Highland-wide Local Development Plan, page 77] within the Highland wide Local Development Plan (HwLDP) and therefore the HwLDP provides an adequate policy "safety net". Accordingly, the Council believes the Plan should be retained without modification.
- The SCDI's support for the Plan's approach to land allocation and infrastructure is noted and welcomed.
- As the respondent recognises, the role of crofting is an important issue but a pan Highland one. The HwLDP contains 2 policies on the issue, Policy 47-Safeguarding Inbye-AppORTioned Croftland and Policy 48-New Extended Crofting Townships [CD1: Highland-wide Local Development Plan, pages 97 and 98 respectively] and there is related statutory supplementary guidance. These provide adequate policy coverage of the topic. Paragraph 1.9 of the Inner Moray Firth Local Development Plan refers to the HwLDP and its importance. Accordingly, the Council believes the Plan should be retained without modification.
- The Council's East Inverness schedule 4 gives a fuller summary of the Council's

position in respect of the creation of public open space and other issues on the east side of the City. In essence, the Council believes that it is protecting the correct existing City greenspaces and is promoting the creation of the correct number, location and type of future greenspaces. It believes that greenspace should be high quality, accessible and fit for purpose. The preservation of agricultural fields does not in itself constitute the retention or provision of greenspace that provides a genuine amenity to the local community. Instead, the Council has and is working with landowners and developers to allow development but retain and enhance areas of useable greenspace such as Inshes public park, the wooded burnside that surround the City, the Dunain Community Woodland land, the Ashton Farm public park proposal, the Beechwood campus sports pitches etc. Greenspaces are more defensible if they have a proper amenity/recreational function. Accordingly, the Council believes the Plan should be retained without modification.

- The Central Inverness Schedule 4 addresses the particular “gateway” impacts of the Longman Landfill allocations. The Council believes it has sufficient policy coverage in place across the HwLDP and area local (development) plans to assess development proposals in “gateway” locations. If the Reporters see fit, the general, pan Highland policy content of the HwLDP will be reviewed in early course and this would be the most appropriate document within which to include any new gateway policy, should one be deemed necessary.
- The Plan’s supporting Transport Appraisal [THC GD-GEN3, Transport Appraisal] (prepared in conjunction with regional transport partners) which is referenced and linked in Plan paragraph 1.8 contains details of scheduled rail improvements. The Council believes that this detail should be contained within a supporting document not within the Plan itself. Accordingly, the Council believes the Plan should be retained without modification.
- The support for the Plan’s transport measures is noted and welcomed.
- The Council agrees with the factual correction to the 3rd line of paragraph 2.22 to delete the words “has been taken”.

Housing Requirements, Densities and Capacities

Housing Land Requirement Table 1 and Map 4

Brian Stewart (00993) - The detailed breakdown of Housing Land Requirement figures is contained within the Council’s Housing Need and Demand Assessment and the abbreviated Housing Land Requirement Background Paper [THC GD-GEN4 Housing Land Requirement Background Paper] which offers detail on the content of Table 1 and Map 4. and these documents should be consulted to view the detailed analysis.

Cromarty Firth Port Authority (04218) - To clarify Table 1 it may be appropriate to add text indicating that the table represents the need to allocate an adequate supply of land to accommodate the indicated number of houses.

Meeting the Housing Land Requirement

Scotia Homes, Barratt East Scotland & Robertson Homes (01310)

- The Highland-wide Local Development Plan (HwLDP) [CD1: Highland-wide Local Development Plan, Table 2, page 24 and Table 3 page 51] identified the main strategic allocations to meet the Housing Land Requirement for both the Inverness and Nairn Housing Market Areas in order to demonstrate compliance with the Council’s Housing Need and Demand Assessment. The Inner Moray Firth Local

Development Plan (IMFLDP) has progressed these allocations alongside others to ensure that an adequate housing land supply, given the more detailed nature of the IMFLDP is not considered necessary to further reflect all allocations in a tabular form.

- In regard to the delivery of an updated Housing Land Audit (HLA) the Council is currently undertaking a review of the 2010 HLA.
- Table 1 accurately indicates the Housing Land Requirement for the Housing Market Areas within the Plan Area, reflecting the content of Table 1 of the HwLDP. Table 3 of the HwLD (page 51) demonstrates the availability capacity of land to meet the HLR, as such the totals are at slight variance.

Housing Land Indicative Capacities

C Stafford (00511), Halliday Fraser Munro (00428) - In regard to para 2.12 in relation to indicative housing capacities, this paragraph along with para 2.13 indicate that an initial assessment has been made of the potential development capacity of a housing site. The capacity of any site upon more detailed assessment may be found capable of accommodating a greater or lower figure than indicated for a variety of factors, such as flood risk, ground conditions, infrastructural constraints/opportunities, environmental impact/natural heritage considerations, design or housing need and demand issues. As such the Council do not consider that it is appropriate to amend the wording as suggested. In regard generally to indicative capacities a base methodology is contained within the Housing Land Requirement Background Paper. [THC GD-GEN4 Housing Land Requirement Background Paper] The Council consider that there may be a need to augment the Paper to demonstrate the various factors, as indicated above, that can lead to an increased or decreased densities of development. At present the Background Paper offers no advice on these considerations that formed a factor in reaching indicative capacities.

Effective Housing Land

Albyn Housing Society Ltd (00419) - The Council has already allocated a generous supply of housing land to meet the Housing Land Requirement. The Council acknowledge that some of the larger allocations within the Plan require public and private investment to deliver effective land. The Plan, however has broadly identified a land supply to meet the next 20 years Housing Land Requirement and these sites are expected to be in development during this timescale. There is an existing supply of active development sites in the Plan area that are either in development or at planning approval stage that provide adequate flexibility to meet existing and emerging housing needs. The five yearly review of the Plan will give a further opportunity to assess the progress of infrastructural investment required to release land supplies.

Growth Assumptions

Joan Noble (00879), Scott Macdonald (01248)

- Whilst the realities brought about by the economic downturn are recognised, the purpose of the LDP is to set the planning strategy and a framework for growth in the future. Whilst past trends are useful in understanding what is happening on the ground there are many factors that have to be considered when setting a strategy for growth. Scottish Planning Policy 2010 (SPP), para. 67, [THC GD-GEN5 Scottish Planning Policy 2010 extract] requires Planning Authorities to utilise the Housing Need and

Demand Assessment (HNDA) as the evidence base for defining housing supply targets in local housing strategies and allocating land for housing in Development Plans. The HNDA Guidance, Scottish Government, March 2008 indicates on page 44 [THC GD-GEN6 HNDA extract and Centre for Housing Market Analysis letter] that “Partnerships will also want to ensure that development planning embraces Government’s aspirations for Scotland, reflected in targets for greater economic and population growth, that imply higher overall household growth than current projections indicate. Planning for housing should reflect the need to accommodate this.”

- In regards to the continued validity of growth figures the Council consider that the approach taken is still in line with national policy. The Scottish Government’s policies for population growth and new housing were expressed in a consistent manner through a series of policy documents including its Economic Strategy, Firm Foundations, and NPF2. [THC GD-GEN7 Economic Strategy 2011 extract, THC GD-GEN8 Firm Foundations extract, THC GD-GEN9 National Planning Framework2 extract] This principle has also been carried forward to Scottish Planning Policy and the guidance for preparation of a Housing Need and Demand Assessment (HNDA), e.g.

HNDA Guidance Page 44

Partnerships will also want to ensure that development planning embraces Government’s aspirations for Scotland, reflected in targets for greater economic and population growth, that imply higher overall household growth than current projections indicate. Planning for housing should reflect the need to accommodate this.

- The Council’s HNDA has complied with these policy requirements and been assessed by the Government’s Centre for Housing Market Analysis as being robust and credible. The HwLDP [THC GD-GEN6A HwLDP Examination Report extract, pages numbered 566-568, paras. 1-14] and now the IMFLDP takes a long term view and we aim to provide a firm housing supply over the full 20 year planning period. Analysis of the UK economy shows that it tends to be cyclical with a typical period of 10 to 20 years, and it is inevitable that we will see periods of both high and low growth (and possibly also recession) during a long planning period such as this. The Council believes that the current low rates of net inward migration are part of a cycle, and that the positive economic prospects for Highland mean we will see a return to higher levels during the 20 year period covered by the Plan.
- 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 growth anticipated in Inverness to Nairn is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The identification of employment generating land uses within Nairn itself provides opportunity for investment for both locally based and national companies. In addition the Inverness to Nairn area contains a variety of emerging new employment areas, that will provide the economic and jobs growth, these include the Inverness Campus, Ardersier Port (Whiteness) and Inverness Airport Business Park. It should be noted that the emerging National Planning Framework 3 [THC GD-GEN10 National Planning Framework3 MIR extract] intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area.
- The Council’s assessment of the backlog of need for social rented shows that the backlog of need in the Nairn HMA in 2007 was 326. [THC GD-GEN11 Housing Need and Demand Assessment extract] There has been no significant change in the

position since 2007. The Council publishes information on the supply of, and demand for, social rented housing on its website as “Housing Prospects”. These published figures show that in April 2014 the demand for social rented housing in the Nairn HMA (based on first choice) was:

Nairn town: 425 (94 transfer list, 331 housing list)

Rural Nairn: 50 (16 transfer list, 34 housing list)

The supply and turnover (2012/13) was:

Nairn town: supply 850, turnover 47 per year, “waiting list” 9 years based on first choice figure above

Rural Nairn: supply 93, turnover 7 per year, “waiting list” 7 years based on first choice figure above.

- These figures clearly demonstrate the “need” for new housing provision to address housing backlog alone never mind the increasing population and formation of new households.
- In preparing the Proposed Plan, the Council has taken a partnership approach to identifying what infrastructure is required and when it needs to be delivered to support development. The Plan sets out indicative requirements for settlements and, where possible, individual sites. The Action Programme [THC GD-GEN12 Action Programme] sets out how these infrastructure requirements can be delivered in partnership. The Highland-wide Local Development Plan [CD1: Highland-wide Local Development Plan, Policy 31 Developer Contributions, page 82] ensures that a proportionate approach to developer contributions will be taken to ensure the right infrastructure is delivered at the right time to enable and support development. This is further supported by the approach set out in the Developer Contributions: Supplementary Guidance which shows the mechanism for obtaining developer contributions and process for delivery of infrastructure.

Employment Growth

Joan Noble (00879)

- 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 growth anticipated in Inverness to Nairn is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The identification of employment generating land uses within Nairn itself provides opportunity for investment for both locally based and national companies. In addition the Inverness to Nairn area contains a variety of emerging new employment areas, that will provide the economic and jobs growth, these include the Inverness Campus, Ardersier Port (Whiteness) and Inverness Airport Business Park. It should be noted that the emerging National Planning Framework 3 [THC GD-GEN10 National Planning Framework3 MIR extract]intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area.

Apart from the possible augmentation outlined above, the Council believes the Plan should be retained without modification in respect of the housing requirements comments.

Reporter's conclusions:Transport

1. Regarding the proposed plan's coverage of cycling, I agree that the proposed plan could not be said to contain a coherent strategy for increasing cycle journeys. However many of the actions required to support an increase in cycle use are not closely related to the planning system, for instance traffic management measures, promotion etc. For these reasons a better focus for the council's strategy for cycling is likely to be in corporate documents other than the development plan.
2. The role of the development plan is more to contain requirements relating to development sites, and to include specific cycle infrastructure proposals, particularly those requiring land use change or planning permission. Chapter 2 of the plan does refer to cycle routes both as a component of green infrastructure (paragraph 2.16) and through specific projects (paragraph 2.20). While the plan could usefully have included more detail on these aspects, I do not have information relating to specific proposals with which to make recommendations for change in this area. I therefore conclude that no modifications are required.
3. Improvements to the A9 trunk road and the rail system are largely the province of Transport Scotland, though they could be worthy of mention in the development plan particularly where there is a strong link to development. Thus the proposal for a new rail station in Dalcross is mentioned at several points in the plan. As the council notes, the transport appraisal that accompanies the plan contains a lot more detail on transport schemes. I consider that it would be excessive to include this level of detail in the plan, which is intended to focus on identifying land for development.

Housing

4. I will consider first the housing land requirements. The housing land requirement figures set out in Table 1 of the proposed Inner Moray Firth plan replicate those given in Table 1 of the adopted Highland-wide plan (with very minor changes and allowing for the splitting of the West Ross figure between plan areas). At paragraphs 16 to 18 of my conclusions at Issue 9, I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide Local Development Plan, unless circumstances have clearly and significantly changed.
5. The unusual economic conditions that have prevailed in recent years are likely to have led to lower than expected housing completion rates. However a purpose of the development plan is to address long term trends and meet the underlying need and demand for land, rather than respond to short term fluctuations in the economic cycle. Birth and death rates also fluctuate from year to year. It is less than three years since the Highland-wide plan was adopted, and I have seen no compelling evidence to demonstrate that underlying conditions have changed so dramatically as to warrant an early revisiting of the housing growth assumptions arrived at in that plan. I therefore conclude that the housing land requirements set out in Table 1 are appropriate and should not be modified.
6. It is not necessary for local development plans to 'show their working' so long as the housing requirements have been appropriately and openly justified elsewhere. In this case this was done through the Highland-wide Local Development Plan, the examination

of that plan, the Housing Land Requirement Background Paper and the council's response to my further information request.

7. The council accepts that it may be appropriate to clarify that the figures in Table 1 represent numbers of houses. Though this matter is explained in a note on Map 4, I agree that it would improve the accessibility of the plan for this also to be explained in Table 1. I therefore recommend a suitable modification.

8. Of most significance to this examination is not the validity of the land requirement figures in Table 1, but the extent to which those requirements have been achieved or exceeded in the proposed plan. Paragraph 120 of Scottish Planning Policy requires local development plans to allocate a range of sites that are effective or expected to become effective to meet the housing land requirement in full in the period up to year 10 from the expected year of adoption. Assuming the adoption of this plan in 2015, the allocation should therefore meet the requirement up to 2025. From year 10 to year 20 (i.e. to 2035), local development plans are required to provide an indication of the possible scale and location of the housing land requirement. Unfortunately Table 1 expresses requirements to 2021 and 2031.

9. In response to a further information request, the council supplied a table showing the extent to which the allocations in the plan met the land requirement in Table 1. Taking into account contributions from windfall and completions since 2011, this showed an overall surplus of 3,558 units in the plan area as a whole to 2031 (a total land supply of 29,030 units). This calculation does not take account of the expectation that some of the larger strategic sites will be built out over many years and are not expected to be fully built-out by 2031. The 3,558 surplus may be taken as an allowance for the units that will be built post-2031, and an indication of where units will be built to 2035 as required by Scottish Planning Policy.

10. While I have not been furnished with figures to 2025, it must logically be the case that the requirement to that date will be lower than to 2031 and therefore the surplus even higher in terms of the gross number of homes allocated. A possible requirement figure to 2025 would be 19,271 based on adding the requisite number of annualised units from the 2021 to 2031 requirement to the 2011 to 2021 requirement. Though I do not have detailed programming information, it will also be the case that a larger proportion of the total figure is unlikely to be capable of being built by 2025, as compared to 2031. However, in terms of the plan area as a whole, I am satisfied that sufficient housing land has been made available to meet requirements to 2025. Beyond this, the plan gives a strong, but not excessive, indication of the scale and location of housing development between 2025 and 2035, as required by Scottish Planning Policy.

11. Turning to the situation in individual housing market areas, paragraph 120 of Scottish Planning Policy states that local development plans should identify a land requirement for each housing market area in the plan area, and allocate sites to meet the requirement in full. The expectation is therefore that the requirement for each housing market area should be met. In response to a further information request, the council supplied a table showing a minor deficit in the small part of the Badenoch & Strathspey housing market area that falls within this plan area, and a 406 unit deficit in the mid-Ross housing market area. The deletion of site NA9 Nairn South, as recommended at issue 19 will also produce a small deficit in the Nairn housing market area. These deficits relate to the situation to 2031, but as highlighted above, Scottish Planning Policy only requires allocations to 2025 and an indication of possible scale and location thereafter.

12. In its response to the further information request, the council argued that the shortfall from the Mid Ross area could be met in East Ross. Paragraph 111 of Scottish Planning Policy defines functional housing market areas as areas where the demand for housing is relatively self-contained. If this approach is followed correctly there is a limit to the extent that demand in one housing market area can be met in another. However the housing market areas that have been identified in the Inner Moray Firth region are quite small. In reality it may therefore be the case that demand is a lot more mobile than self-contained within these areas. In particular, areas of Mid Ross close to the Kessock Bridge must be closely related to the Inverness housing market area. I therefore accept the shortfall in the Mid Ross figures to 2031, both on the basis that national policy only requires an allocation to 2025, and that a proportion of demand originating in Mid Ross is likely to be capable of being met in adjoining housing market areas. I also accept the shortfall in the Nairn housing market area on the basis that it is relatively small (only 163 units out of a requirement of 2,500 between 2011 and 2031) and that national policy only requires an allocation to 2025.

13. Regarding the effectiveness of the supply, I have not been supplied with detailed programming information, or a comprehensive note of the constraints affecting allocated sites. The council acknowledges that some of the larger allocations require investment in order to become effective. However the proposed plan also contains a large number of smaller allocations, for instance in South Inverness, that appear to be less constrained. The overall land supply in the proposed plan is generous, and allocations are made covering a longer time period than the 10 years required by Scottish Planning Policy. No firm evidence detailing sites which are not deemed to be effective has been submitted. For these reasons I cannot conclude that the proposed plan does not put a sufficiently effective land supply in place.

14. In relation to the possible need to update the plan as a consequence of the finalisation of the housing land audit, the council has confirmed, in its response to the further information request, that the audit is still in preparation and no additional data is currently available. I therefore conclude that no modification relating to the audit is required.

15. Some representees seek a clearer statement that the site capacities given in the plan may change depending on local circumstances or detailed design studies or market conditions. Paragraph 2.12 of the proposed plan states that the stated housing capacities are indicative, and that different capacities may be acceptable subject to detailed design. I consider that this statement already adequately covers the matters of concern to the representees, and I therefore conclude that no modification is required.

16. Matters relating to specific sites or settlements are covered under the relevant settlement issue.

East Inverness/A96 corridor

17. Westhill Community Council opposes the principle of urban growth to the east of Inverness. Joan Noble contends that the A96 growth corridor concept is flawed for reasons including a perceived lack of employment sources for new residents.

18. The strategic concept of directing a significant proportion of the area's future housing growth to East Inverness and the A96 corridor was included in the adopted Highland-wide Local Development Plan. That plan was subject to its own consultation processes and

examination where the advantages and disadvantages of this strategy were carefully considered. I have referred above to paragraphs 16 to 18 of my conclusions at Issue 9, where I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide Local Development Plan, unless circumstances have clearly and significantly changed. In East Inverness/ the A96 corridor it may be that some development has proceeded more slowly than envisaged at the time that the Highland-wide plan was being prepared. The unusual economic conditions of recent years are likely to be a reason for this.

19. I consider that it is far too early to conclude that the East Inverness/A96 concept is flawed, and it would not be appropriate to revisit it in any fundamental way in this local development plan. To do so would act strongly counter to the certainty and confidence that the planning system and development plans in particular should provide.

20. Site specific concerns are considered elsewhere in this report under the issue for the relevant settlement. But regarding the wider need for green corridors in East Inverness, although this should be an important consideration, I consider it is one that can be considered fully through the masterplanning of the sites. I note that the requirements for site IN82 include the need to address green parkland corridors; and those for sites IN80, IN83 and IN84 refer to the green network.

Crofting

21. Regarding the need to explicitly recognise the role of crofting and to protect in-bye croft land, the council points to the policies contained in the Highland-wide Local Development Plan as providing sufficient coverage on this matter. Policy 47 serves to minimise the loss of in-bye croft land, and Policy 48 allows for new/ extended crofting townships in areas including the hinterlands of towns, subject to the demonstration of a wider public interest. These policies appear to address the main matters of concern to the representee.

22. The Inner Moray Firth Local Development Plan (once adopted) and the Highland-wide Local Development Plan will have equal status in decision-making as parts of the development plan. There is therefore no need to repeat material that is contained in one plan in the other. The Inner Moray Firth plan is designed to deal principally with specific development proposals, whereas the Highland-wide plan is where most topic policies are located. On this basis I find that crofting policies are most appropriately included in the Highland-wide plan, and that no modification to the proposed Inner Moray Firth plan is required.

Gateway Policy

23. Westhill Community Council proposes the inclusion of a gateway policy in the plan. Though the community council does not fully explain what this would entail, I assume such a policy would seek to enhance attractive approaches to Inverness and other towns, resist development that would damage that attractiveness, and perhaps define where the key gateway locations are. The community council has a particular concern about the Former Longman Landfill site. This is discussed in more detail under Issue 10.

24. Policy 28 of the Highland-wide Local Development Plan captures the need for sensitive siting and high quality design. Policy 29 refers to the need for development to make a positive contribution to architectural and visual quality, and have regard to the

historic pattern of development. However, there is a particular issue that is not captured about the creation and maintenance of a positive first impression of the city. I consider this to be important given Inverness's prominent position on the A9 and other significant tourism and economic routes. I also note that National Planning Framework 3 identifies both the A9 and the A82 as scenic corridors. I therefore see some merit in a gateway policy.

25. While the policy might well have a site specific element, most development management policies are contained in the Highland-wide plan. I therefore consider that such a policy could equally well be included in either the Highland-wide or the area local development plans. The policy would however require some analysis to determine which settlements and particular gateways should be covered. It is not therefore possible for me to insert a robust policy into the plan at this time. This is however a policy area that I consider it would be worthwhile the council considering further with a view to possibly including a policy in future plans.

Miscellaneous

26. Brian Stewart proposes a number of changes in wording in chapter 2 of the plan. Regarding paragraphs 2.15 and 2.23, it is not the role of the local development plan to describe all planned infrastructure improvements, particularly if these do not have a new land use requirement. Rather the focus of the plan is on new development and the infrastructure needed to support this. No modification is required.

27. Regarding paragraph 2.16, this paragraph appears to be intended to provide a contextual statement. General policies on green networks and open space are included in the Highland-wide Local Development Plan, and specific proposals are included elsewhere in the proposed Inner Moray Firth plan and in the council's green networks supplementary guidance. Cycling and active travel are referred to not only as green infrastructure but also in the Transport section at paragraphs 2.19 and 2.20 (modified numberings). Two specific significant cycling measures are included in paragraph 2.20.

28. At Issue 6 I conclude that while the plan might have been an opportunity to provide more detail on green networks/footpaths, this matter could be addressed adequately through such documents as the core paths plan and supplementary guidance. Under issue 9 I make recommendations to bolster the plan's references to active travel networks.

29. Regarding the protection of open spaces in Nairn, those of concern are allocated as open space on the Nairn proposals map with the exception of the beaches which are outside the settlement development area. No modification is therefore required.

30. Regarding masterplanning, I agree with the council that local communities cannot be given a veto over the content of masterplans as landowners and the wider community have legitimate interests too. However it is important that local communities are involved in the preparation of masterplans. This point is already captured in the current wording of paragraph 2.24 (modified numbering) of the proposed plan. No modification is therefore required.

31. It is suggested that the criteria relating to the protection of amenity/ recreational areas and heritage features (currently included in Policy 3) should be included in Policy 2. However the purpose of Policy 2 is to cover the delivery of allocated sites. It is not the

appropriate policy to include the various factors which should be considered when deciding whether a piece of land is suitable for development. Where there are particular amenity or heritage considerations that relate to particular allocations, these may be described in the requirements for each site in chapter 4 of the plan. The proposals maps that are included for larger settlements also identify open spaces that are to be protected.

32. Policy 3 deals with small settlements where no specific allocations are made, and it is therefore appropriate to include criteria here to assess whether development proposals in these settlements are acceptable. I conclude that no modification is required.

Reporter’s recommendations:

It is recommended that the words “(numbers of houses)” be inserted after “Table 1 – Housing Land Requirement” on page 14 of the plan.

Issue 3	Special Landscape Areas	
Development plan reference:	(Para 2.3, Page 10)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Inverness West Community Council (00005) Nigg And Shandwick Community Council (00313) Tarbat Community Council (00323) Strathdearn Community Council (00908) James Grant (00920) Gordon Grant (00981)</p>	<p>Strathdearn Against Windfarm Developments (01012) Scorrielea Self Catering (01042) North of Scotland MC Scottish Wildlife Trust (04180) Grantown-on-Spey & Vicinity Community Council (04248) Tain & Easter Ross Civic Trust (04361), Save our Dava (04501)</p>	
Provision of the development plan to which the issue relates:	Special Landscape Areas	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>North of Scotland MC, Scottish Wildlife Trust (04180) - Seeks suitable protection from the environmental implications of industrial use of the Whiteness site (assumed) which lies within a Special Landscape Area (SLA) and seeks expansion of SLAs wherever possible as an adjunct to the green network concept.</p> <p>Nigg And Shandwick Community Council (00313) - Seeks SLA policy to preclude all development because of its natural beauty</p> <p><u>Drynachan, Lochindorb and Dava Moors SLA</u></p> <p>Strathdearn Community Council (00908) - Strathdearn Community Council seeks amendment of the SLA boundary to include the areas from Ruthven through Balvraid to the summit of Carn nam bain-tigherna for the following reasons: the landscape assessment underestimates the connection of this area with the rest of the SLA irrespective of the woodland at Glenkirk; it is important to the setting of Strathdearn and views from the A9 (T) as travellers move south towards the Cairngorms.</p> <p>Strathdearn Against Windfarm Developments (01012) - Seeks amendment of the SLA boundary: to include areas close to Glen Kirk as this area was removed at the request of Eurus Energy in the Inverness Local Plan and their wind energy planning application was subsequently refused following a Public Inquiry; and the western boundary should be straight as it travels south from the Streens and should include the small "bite" near Balvraid.</p>		

Save our Dava (04501) - Seeks amendment of the SLA boundary to follow the route of the minor public road until its connection to the A939 for the following reasons: to encompass within the designation the whole of the historical route's connection in this locality (The A939 between Aitnoch and Dava junction follows the route of the old route); the current boundary has no definition on the ground, and excludes the track that actually is the route of the former military road.

Grantown-on-Spey & Vicinity Community Council (04248) - Seeks amendment of the SLA boundary to include area between A939 and A940 including Cairn Duhie.

Sutors of Cromarty, Rosemarkie and Fort George SLA

James Grant (00920) - Seeks amendment of the SLA boundary to extend up to the A832 between Fortrose and Rosemarkie for the following reasons: the area is very similar to the land within the SLA with which it is contiguous; and development of the area would detract from the whole of the SLA.

Scorrielea Self Catering (01042) - Seeks amendment of the SLA boundary to extend to A832 for the following reasons: retention of land for agriculture; to maintain the separate identity of the two villages; and to provide habitat for endangered birds such as skylarks and starlings.

Gordon Grant (00981) - Seeks inclusion of land bounded by A832 within the Sutors of Cromarty, Rosemarkie and Fort George SLA for the following reasons: to protect quality farmland, the separate identities of the villages, and the wildlife habitat corridor from development.

James Grant (00920) - Seeks amendment of the boundary to exclude land that is being developed for housing development at the Ness Gap which is no longer special landscape.

Loch Ness and Duntelchaig Special Landscape Area (SLA)

Inverness West Community Council (00005) - Inverness West Community Council seek expansion to the Loch Ness and Duntelchaig Special Landscape Area (SLA) to include the whole Abriachan and Caiplich plateau, the head of Glenconvinth, the area around the small lochs west of the A833 at Culnakirk and an area south of Urquhart Bay (map attached). [00005, SLA, Loch Ness and Duntelchaig SLA, Map].

This proposed expansion area is supported because of the scenery and the recreational enjoyment it gives to residents and visitors alike. The proposed expansion has: similar qualities and characteristics as the Duntelchaig and Ashie area with both linked in geographic, historic and social terms to the Loch and together reinforcing the special qualities and integrity of the SLA as a whole; the flat moorland plateau of the north west mirrors in many respects the rocky moorland plateau area of Duntelchaig and Loch Ashie; the citation mentions the "intimate mix" of elements and this occurs here (appendix with photographs showing same mix occurs in their proposed expansion area).

Other reasons to support the inclusion of this expansion are as follows: accessibility from the Great Glen Way and the Abriachan Forest Trust community forest area (including a regionally important viewpoint, Carn na Letir), and the A833 (extensively used by tour buses and cyclists) means that these contrasts can be appreciated by many. SPP

recommends that a purpose of local landscape designation should be to “safeguard and promote important settings for outdoor recreation and tourism locally” and this reflects the area proposed which benefits from high visitor numbers.

Professional landscape assessments prepared by Caroline Stanton CMLI who assisted in the preparation of the Inverness and District Landscape Character Assessment are submitted [00005, SLA, Loch Ness and Duntelchaig SLA, Pages x-y, Landscape assessments]: one assessment compares the suggested areas (Caiplich and Arbriachan) and recommended expansion areas (Glen Convinth and Culnakirk Plateau and Great Glen Way south of Urquhart Bay) to the citation for the SLA, it points out their similarities with these areas (the moorland and agricultural land, the vistas of grand proportions, rocky knolls and small scale woods and forests and peppered with lochs, crofting townships, positions for elevated and open views of the landscape, and historic landscape features); whilst the other assessment responds to the Highland Council’s reasons for not including these proposed expansions to the SLA (whilst the landuse/lochs pattern is not identical this is not uncharacteristic of the SLA, if a larger loch component was essential this would be a reason to exclude parts of the existing SLA around Brin and Whitebridge; the proposed expansion displays a very “intimate mix of landscape elements and changing visual interest” as evidenced by photographs; being in a different character type is not a reason to exclude an area as it is expected that any SLA will include different character types; that the proposed expansion is considered not similar enough is not defined or quantified; most importantly the proposed expansion includes and reinforces the Special Qualities of the SLA as described within the citation).

Also included is an extract of the Loch Laide area [00005, SLA, Loch Ness and Duntelchaig SLA, Pages x-y, extract from the Drumnadrochit and Fort Augustus Local Plan] which was identified in the Drumnadrochit and Fort Augustus Local Plan of 1991 as a recommendation to designate as an Area of Great Landscape Value (AGLV) because “it offers a marked contrast to the open moorland which occupies the bulk of higher ground above Loch Ness.”

Further appendices are provided [00005, SLA, Loch Ness and Duntelchaig SLA, Pages x-y]: a map showing the existing SLA, and the suggested and recommended expansions; extracts from Assessment of Special Landscape Areas citation; a map showing the area of the Abriachan Forest Trust community forest area; the proposal by Caroline Stanton which was part of their MIR submission; additional comments by Caroline, illustrated by photographs; an extract from Drumnadrochit and Fort Augustus Local Plan, Highland Regional Council, 1991; local history and archaeology; and appendices with various general references.

Suggested new SLA

Tain & Easter Ross Civic Trust (04361) - Tain and Easter Ross Community Council seeks inclusion of new SLA for Tarbat Ness considering this area to be at least regionally if not nationally important when judged against the criteria used to evaluate and identify these areas from the Highland Structure Plan (2001) for the following reasons: the combinations of land character types provide unusual and attractive scenery; at the headland the panorama of land forms and scenery that are rare, perhaps unique, in the Highland context; its landscapes and coastlines are dramatic and striking (supporting quotes from Hugh Miller provided); both the Sutherland and the Moray views exhibit rugged mountain cores and dominant mountain massifs, including the Cairngorms and there is a juxtaposition of these mountain views with moorland on the headland itself and they set

each other off to striking visual effect; Tarbat Ness and the long low, flat peninsula past Portmahomack and as far west as Inver is a popular tourist area and a significant part of the part of the Highland heritage.

A SLA here would offer protection from developments which create unacceptable impacts on the amenity and heritage resource, and would assist with protection from wind turbine proposals as they would represent significant and unacceptable visual impacts to the amenity and heritage.

Tarbat Community Council (00323) - Tarbat Community Council seeks inclusion of new Special Landscape Area for Tarbat Ness covering the triangle of land between Tarbat Ness, Portmahomack and Rockfield for the following reasons: the headland at Tarbat Ness and the Tarbat Ness lighthouse are one of the most important parts of natural and built heritage of Scotland; the views from here - with the Moray coast to the south and the mountains of Sutherland and Caithness to the north; the headland itself with attractive moorland falling away towards the sea; there is a diversity of habitats, including several species of migrating birds and the internationally famous bottlenosed dolphins; and the approaches to Tarbat Ness are important and attractive parts of that heritage in their own right.

A SLA would offer protection from developments which create unacceptable impacts on the amenity and heritage resource, and would assist with the following: housing pressures and the need to ensure that their mass, location and numbers do not create unacceptable impacts; and wind turbine proposals as they would represent an alien and unacceptable impact here.

Modifications sought by those submitting representations:

General

North of Scotland MC, Scottish Wildlife Trust (04180) - Seeks suitable protection from the environmental implications of industrial use of the Whiteness site (assumed) which lies within an SLA and seeks expansion of SLAs wherever possible as an adjunct to the green network concept.

Nigg and Shandwick Community Council (00313) - Seeks SLA policy to preclude all development.

Drynachan, Lochindorb and Dava Moors SLA

Strathdearn Community Council (00908) - Strathdearn Community Council seeks amendment of the SLA boundary to include the areas from Ruthven through Balvraid to the summit of Carn nam bain-tigherna.

Strathdearn Against Windfarm Developments (01012) - Seeks amendment of the SLA boundary: to include areas close to Glen Kirk.

Grantown-on-Spey & Vicinity Community Council (04248) - Seeks amendment of the SLA boundary to include area between A939 and A940 including Cairn Duhie.

Save our Dava (04501) - Seeks amendment of the SLA boundary to follow the route of the minor public road until its connection to the A939.

Sutors of Cromarty, Rosemarkie and Fort George SLA

James Grant (00920), Scorrielea Self Catering (01042), Gordon Grant (00981) - Seeks amendment of the SLA boundary to extend it up to the A832 between Fortrose and Rosemarkie.

James Grant (00920) - Seeks amendment of the boundary to exclude land that is being developed for housing development at the Ness Gap.

Loch Ness and Duntelchaig SLA

Inverness West Community Council (00005) - Inverness West Community Council seek expansion to the Loch Ness and Duntelchaig Special Landscape Area (SLA) to include the whole Abriachan and Caiplich plateau, the head of Glenconvinth, the area around the small lochs west of the A833 at Culnakirk and an area south of Urquhart Bay.

Suggested new SLA

Tain & Easter Ross Civic Trust (04361) - Tain and Easter Ross Community Council seeks inclusion of new Special Landscape Area for Tarbat Ness.

Tarbat Community Council (00323) - Tarbat Community Council seeks inclusion of new Special Landscape Area for Tarbat Ness covering the triangle of land between Tarbat Ness, Portmahomack and Rockfield.

Summary of responses (including reasons) by planning authority:

General

North of Scotland MC, Scottish Wildlife Trust (04180), Nigg and Shandwick Community Council (00313) - It is inappropriate to preclude against all development within a SLA, and the policy protection lies within the Highland-wide Local Development Plan (HwLDP) rather than the individual area Local Development Plans so that the Council has a consistent policy for the Highlands. Suitable policy protection of SLAs is provided in the HwLDP policy 57 Natural, Built and Cultural Heritage which balances heritage interests with economic consideration. This balance reflects the level of importance of any heritage interest and its particular sensitivities with the economic benefit that could be derived from any development proposal. Our development management officers find this planning balance when assessing the considerations of any planning application. Therefore the Council considers that there should be no modification to the Plan.

With regard to the suggestion that SLA boundaries should be expanded as an adjunct to the Green Network concept these have different purposes and any proposed expansions to the SLAs should follow the methodology set out below.

Expansions/contractions to SLAs and how they have been considered

Specific consideration was given to each suggestion made; however there are some general considerations that are applicable for all the responses suggesting expansions to

the Special Landscape Areas and these are covered below before specific consideration is given to each individually.

If the Council rejects a suggested expansion to a SLA it is not saying that there are no landscape sensitivities within these areas. Sometimes the area suggested as an expansion is important to the setting of the SLA. However including the setting within the SLA is a buffer approach and this is something that Scottish Planning Policy (SPP) discourages. The policy protection for the SLAs within the HwLDP policy 57 [CD1, Policy 57, Page 109 - 111] ensures that the amenity and heritage resource of the SLA is protected and this means that developments that are within the setting of the SLA and/or interrupt key views into/out of a SLA could be considered to have an unacceptable impact on the amenity and heritage resource of the SLA. This ensures an appropriate tailored protection is given to the SLA which includes consideration of the specifics of the development proposal and the specifics of the particular SLA qualities and any key views into or out of the SLA rather than using a basic blanket buffer.

When considering proposed expansions to the SLAs (Special Landscape Areas) it is important to consider whether the SLA boundary needs minor adjustment to better reflect the landform so that it does not inadvertently sever a landscape feature. It is also important to consider how the proposed expansions compare with landscapes within the existing SLA to establish whether the proposed expansion would enclose an area of similar landscape. This means considering how these landscapes are described and the qualities that are attributed to them within the SLA citations, and then comparing this to the landscape within the proposed expansion. It also means referring to the Landscape Character Assessment to see how these proposed areas compare in terms of their Landscape Character Types (LCT) to those within the SLA boundary (the Landscape Character Assessment being a standard system for identifying, describing, classifying and mapping the variety of landscapes which helps explain what makes landscapes different from each other).

Looking at reasons beyond these as a basis for changing the SLA boundaries could undermine the criteria used to identify them, and would likely lead to the need for a complete review revisiting the identification of SLAs across Highland. This would also involve revision of the citations. However the original methodology used for SLA selection/identification was challenged through HwLDP Examination and the Reporter supported the current SLAs subject to the Council considering any boundary amendments through the Area Local Development Plans [THC SLA General/1 Pages].

Drynachan, Lochindorb and Dava Moors SLA

Strathdearn Community Council (00908), Strathdearn Against Windfarm Developments (01012), Grantown-on-Spey & Vicinity Community Council (04248), Save our Dava (04501) - Please refer to the section above on Expansions/Contractions to Special Landscape

Areas as this explains the methodology for how these options have been assessed by the Council. However in terms of specific consideration of the proposed amendments the following is the assessment made.

Regarding land sought within the SLA boundary at Glen Kirk/Ruthven and Balvraid it is noted that a 20 turbine windfarm development at Moy Estate (on the northern part of this proposed expansion) was approved on appeal by Scottish Government in March 2012 [

THC, SLA, Drynachan, Lochindorb and Dava Moors SLA/1, Pages1-9, Appeal decision notice for Moy wind farm].

The area includes an area of plantation forestry, Carn nan Eag, Tom na Slaite as well as Ruthven itself. At Drynachan the glen is steep sided, but within the Balvraid area sought for expansion to the SLA there is a change in character as the glen becomes more open. There is a relevant special quality that indicates why this area is not be included within the SLA, and it is, "A narrow, deep section of the Findhorn river valley at Streen offers enclosed and intimate relief in contrast to the elevated and exposed moorland." The Balvraid area differs from this quality as it is a more open glen and there is also a change in land cover with substantial areas of the plantation forestry [CD7, Page 136].

In terms of Landscape Character Type the proposed expansion lies within Rolling Uplands and although there are small areas of this Landscape Character Type at the western edges of the existing SLA [THC SLA , Drynachan, Lochindorb and Dava Moors SLA/2, Map from Inverness District landscape character assessment] it is not one of the dominant Landscape Character Types within the SLA and to include such a large additional area of this Landscape Character Type could change the overall character of the SLA.

Also the SNH response to the Alternative Sites and Land Uses consultation agreed with the rationale for not extending the SLA here [THC SLA, Drynachan, Lochindorb and Dava Moors/3 SLA, SNH response to the Alternative Sites and Land Uses consultation] SNH Response to Alternative Sites and Land Uses consultation. Therefore the Council considers that the Drynachan, Lochindorb and Dava Moors SLA boundary in the Plan should not be modified to enclose this proposed expansion.

Regarding expansion of the SLA boundary up to the B9007 between the junction north of Dulsie Bridge to the junction east of Little Aitnoch there is merit in this change as it provides a recognisable physical boundary and better respects the old military route. Therefore the Council would support this change should the Reporters wish to recommend this.

Regarding land sought within the SLA boundary between A939 and A940 it is considered that there is a change in landscape character north of the A939 and therefore the existing SLA boundary here is appropriate. Therefore the Council considers that the Drynachan, Lochindorb and Dava Moors SLA boundary in the Plan should not be modified in this location.

Sutors of Cromarty, Rosemarkie and Fort George (SLA)

James Grant (00920), Scorrielea Self Catering (01042), Gordon Grant (00981)
This SLA is defined by the edge of the coastal strip (the Hard Coastal Shore LCT) [THC SLA, Sutors of Cromarty, Rosemarkie and Fort George SLA/1, Map from the Inner Moray Firth landscape character assessment] and the only landward areas that are identified within the SLA boundary are at the end of headlands and promontories (Fort George, Fortrose and at the Sutors).

The proposed expansions would extend the SLA boundary to include landward areas that are not on headlands or promontories and this would fundamentally change the characteristics of this SLA. To extend the boundary to take in the hillside between Fortrose and Avoch would also take the SLA into different Landscape Character Types, ones which are not present within the current SLA boundary.

This proposal would take in a very different landscape from that within the SLA and therefore is not supported. In response to the Alternative Sites and Land Uses consultation SNH agreed with the Council's rationale for not including this area as an expansion to this SLA [THC SLA, Sutors of Cromarty, Rosemarkie and Fort George SLA/2, SNH Response to Alternative Sites and Land Uses consultation]. Accordingly the Council considers it that we should continue to exclude this suggested expansion area from the Sutors of Cromarty, Rosemarkie and Fort George SLA boundary.

With regard to the proposed contraction of the Sutors of Cromarty, Rosemarkie and Fort George SLA boundary to exclude the Ness Gap site, the current boundary follows the coastal strip and takes in Chanonry point peninsula. Therefore the Council considers that the Sutors of Cromarty, Rosemarkie and Fort George SLA boundary should continue without modification.

Loch Ness and Duntelchaig SLA

Inverness West Community Council (00005) - Please refer to the section above on Expansions/Contractions to Special Landscape.

Areas as this explains the methodology for how these options have been assessed by the Council.

However in terms of specific consideration of this suggestion the following is the assessment made. The citation for this SLA mentions the special qualities of the contrasting intimate plateau (the Duntelchaig and Ashie area) as being, "An undulating moorland plateau of rocky knolls flanked by small-scale woods and forests, patches of pastures and sporadic farmsteads, and interspersed with a sequence of tranquil lochs, that creates an intimate mix of landscape elements of changing visual interest." [CD7, citation 20 Loch Ness and Duntelchaig SLA, Page 119].

The Abriachan/Glen Convinth/Culnakirk area does share some of the Key Landscape and Visual Characteristics of the Ashie and Duntelchaig area which is already within the SLA. However it does not have quite the same diversity, contrast and juxtaposition of landscape elements and does not have the larger loch component to its landscape (only some smaller lochs), and the areas of woodland are in larger blocks and they do not contain much semi natural or ancient and long established woodland which is in contrast to the prevalence of the smaller patches of higher amenity value woodland in the Duntelchaig/Ashie area.

It is important to consider how the Inverness District Landscape Character Assessment characterises these different areas. The Abriachan/Glen Convinth/Culnakirk area is mainly within a LCT of rocky moorland plateau/or with woodland subset which is an open landscape characterised by exposure and vast remote upland moor [THC SLA, Loch Ness and Duntelchaig SLA/1, Page 41-42 - Inverness District landscape character assessment].

Whilst the Duntelchaig/Ashie area that the proposed expansion is being compared to has two contrasting LCT juxtaposed. The Duntelchaig and Loch Ruthven area is within a Farmed Wooded Foothills LCT which is characterised by low rocky hills, lower slopes with woodland, and is interspersed with areas of rough and improved pasture with a contrast between upper and lower slopes and between shelter and exposure. This LCT has constantly changing views of enclosed spaces framed by trees/crags. [THC SLA, Loch Ness and Duntelchaig SLA/2, Page 67-78 - Inverness District landscape character

assessment] The Loch Ashie area lies in a Flat Moorland Plateau with Woodland LCT which is characterised by flat undulating openness and plantation forestry although in this case much of this is long established of plantation origin. [THC SLA, Loch Ness and Duntelchaig SLA/3, Page - Inverness District landscape character assessment] However the Flat Moorland Plateau LCT is a small area within the SLA and is juxtaposed with the Farmed Wooded Foothills Landscape Character Type of Duntelchaig providing contrasts and visual interest. [THC SLA, Loch Ness and Duntelchaig SLA/4 SLA, Map from Inverness District landscape character assessment]

Therefore the Inverness District Landscape Character Assessment helps clarify the characteristics and qualities of these two areas and it is clear that they differ in key ways from each other, and importantly in ways that pick up on the SLA citation's special qualities.

The Loch Laide area was identified in the Drumnadrochit and Fort Augustus Local Plan of 1991 as a recommendation to designate as an AGLV. However when reviewing and rationalising these areas through the Highland Structure Plan adopted 2001, this area was not considered to meet the criteria used for their identification, being such a small area and having been identified more for improving visitor facilities here than for protecting the landscape.

In summary it is considered that the proposed areas are not similar enough in character or quality to landscapes within the existing SLA to merit its inclusion within the SLA. In response to the Alternative Sites and Land Uses consultation SNH agreed with the Council's rationale for not including the areas suggested or recommended as an expansion to this SLA. [THC SLA, Loch Ness and Duntelchaig SLA/5 SLA, Page , SNH Response to Alternative Sites and Land Uses consultation]. Therefore the Council considers that these expansion options should not be included within the SLA. However the Abriachan/Glen Convinth/Culnakirk area is important to the setting of the SLA, and offers some key views into the SLA, so this will affect development potential within this area.

Suggested new Special Landscape Area

Tain & Easter Ross Civic Trust (04361); Tarbat Community Council (00323) - The consultation on the SLAs through the IMFLDP Main Issues Report was on relatively minor adjustments to boundaries of existing SLAs to ensure they enclosed areas of similar landscape and/or to ensure that the boundary did not inadvertently sever a landscape feature. The consultation was not on identifying new SLAs or whether any existing SLAs should be removed. The original methodology used for SLAs selection/identification was challenged through Highland-wide Local Development Plan (HwLDP) Examination and the Reporter supported the current SLAs, subject to the Council considering any boundary amendments through the Area Local Development Plans. It would be a significant piece of work to re-evaluate SLAs across Highland and possibly identify new criteria and scoring for their identification. However this is unnecessary given our confidence in the existing SLAs and the conclusions of the HwLDP Examination on this issue. [THC SLA General/1 Pages - Extract from HwLDP Examination Report]. Therefore the Council considers that there should be no new SLAs identified in this Plan.

Reporter's conclusions:General

1. In considering proposed amendments or additions to the boundaries of special landscape areas, a number of general matters require to be borne in mind. Firstly, paragraph 197 of Scottish Planning Policy describes what the purposes of such local landscape designations should be. These comprise safeguarding landscapes which are important or particularly valued locally or regionally, promoting understanding and awareness of local landscapes, or safeguarding and promoting important local settings for outdoor recreation and tourism. Paragraph 196 confirms that buffer zones are not to be established around designated areas.
2. The Inner Moray Firth area in general is characterised by landscapes that would be considered to be high quality in national terms. However, Scottish Planning Policy is clear that the purpose of the designation is pick out those areas of particular local value. The value of a policy aimed at protecting special areas is diminished if it is applied too widely. In these circumstances it should not be seen as surprising if some areas excluded from special landscape areas are nevertheless of a high landscape quality.
3. Secondly, I note that development plan policy regarding special landscape areas is contained in the Highland-wide Local Development Plan at Policy 57. The role of the Inner Moray Firth plan is to review the boundaries of these areas, which were initially identified in earlier plans and reviewed through the Assessment of Highland Special Landscape Areas document. As the Assessment of Highland Special Landscape Areas does not appear to have the status of supplementary guidance, the local development plans have an important role in establishing the boundaries of these areas within the development plan.
4. Thirdly I note that the Assessment of Highland Special Landscape Areas document was prepared by professional landscape architects with the involvement of Scottish Natural Heritage, and has been subject to public consultation and amendment. For these reasons, and from my own reading of the document I consider that the assessment constitutes a robust and comprehensive piece of analysis.
5. Regarding development in special landscape areas, it would not be reasonable to rule this out altogether. The special landscape area concept is not intended to preclude development: the test given in Policy 57 of the Highland-wide Local Development Plan is for there not to be an unacceptable impact on the resource. Thus there is no inherent contradiction in designating Whiteness as both part of a special landscape area and an industrial site. When development proposals come forward at Whiteness, I would expect special consideration to be given to minimising adverse landscape impacts. No change is required to the plan.

Drynachan, Lochindorb and Dava Moors SLA

6. Three potential additions to this special landscape area are suggested. Firstly regarding land in the Ruthven/Balvraid area, I accept that the suggested extension area is highly visible from the important tourist route of the A9. However I agree with the council that the broad strath character of this area differs markedly from the open expansive moorland that characterises most of the rest of the special landscape area, and

the unpopulated narrow valley of the River Findhorn south west of Streens. For this reason, and the reasons set out above, I therefore conclude that on balance no amendment should be made.

7. Regarding the relatively minor suggested amendment in the Hill of Aitnoch area, the council accepts that this change would result in the boundary following a recognisable physical feature and respecting the old military route. I see no reason to disagree and therefore recommend that this change be made.

8. Regarding the inclusion of land between the A939 and the A940, no reasons have been given supporting this change. Given the apparent robustness of the Assessment of Special Landscape Areas document, I see no reason to deviate from its findings in respect of this area.

Sutors of Cromarty, Rosemarkie and Fort George SLA

9. Representations seek the inclusion of all land between Rosemarkie, Fortrose and the A832 within the special landscape area. The only part of this area that appears to be currently excluded is a small area largely within the built-up area of Fortrose and facing the Inner Moray Firth. This small piece of land has a different character from the special landscape area, which is mainly undeveloped and focussed on the outer Moray Firth. I therefore conclude that no change is required.

10. Regarding the proposed exclusion of the Ness Gap housing site, I consider that Chanonry point is an important feature of the special landscape area, which should be included in its entirety. No change is therefore required.

Loch Ness and Duntelchaig SLA

11. The proposed extensions to the north of Loch Ness have some merit, and the decision to include the Ashie and Duntelchaig area in the special landscape area, but not the Abriachan/Glen Covinith/Culnakirk area is finely balanced. The areas differ somewhat in character, but both are attractive areas of landscape offering a contrast to the major feature of Loch Ness itself. In particular I find that the area of small lochs west of the A833 is of striking natural beauty and particularly prominent to car-bound visitors. However I agree that, in the main, the upland area north of Loch Ness is more characterised by commercial conifer plantations than the area to the south-east of the loch.

12. However I do not find the differences or similarities between these two areas particularly relevant to their inclusion within the special landscape area. Of more significance is their intrinsic value and the role they may play in providing an important contrast with the landscape around Loch Ness itself.

13. There are inevitably marginal decisions to be made as to which areas to include within designations, and which to leave out, but I note above that a disadvantage of drawing boundaries too widely could be to devalue the concept. The key landscape feature in this area is Loch Ness itself and its immediate environs, which clearly warrant the protection of this designation. If anything it is the inclusion of the Ashie and Duntelchaig area which represents an inconsistency, given that much of this area is not visually linked to Loch Ness, rather than the non-inclusion of the Abriachan/Glen Covinith/Culnakirk area. Overall and on balance I therefore consider that an insufficient

case has been made for the expansion of the special landscape area, and conclude that no change is required.

Suggested New SLA at Tarbat Ness

14. Tarbat Ness offers an impressive sense of expansiveness and remoteness. However much of the interior of the headland consists of relatively featureless agricultural land. While there are attractive views towards the hills of Sutherland to the north and the Grampians to the south, these are unrelated to the intrinsic landscape qualities of the headland itself.

15. I am satisfied that the council has been through a robust process to identify the special landscape areas which are designated in the proposed plan. A sufficiently strong case has not been made that Tarbat Ness is of such high landscape quality as to warrant inclusion among these designations. For these reasons, and the general reasons outlined above, I conclude that no change is required.

Reporter’s recommendations:

It is recommended that the Drynachan, Lochindorb and Dava Moors Special Landscape Area in the vicinity of Hill of Aitnoch be extended north approximately one kilometre so that the boundary follows the minor road linking the B9007 and the A939.

Issue 4	Hinterland Boundary	
Development plan reference:	(Para 2.7, Page 12)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Ardross Community Council (00267) Ferintosh Community Council (00284) Nigg And Shandwick Community Council (00313) The Royal Burgh of Tain Community Council (00322) Tarbat Community Council (00323) Strathdearn Community Council (00908) Angus Mackenzie (00992) Floris Greenlaw (01206) Friends of the Earth Inverness (01208) Glenurquhart Community Council (01641) James Vestey (04028)</p>	<p>Nicola Vestey (04029) Iain Riddle (04071) Ian Allsopp (04124) Jonathan Wynne Evans (04184) Neil Oram (04185) Sandra Fraser (04232) Aulikki Butt (04253) Tain & Easter Ross Civic Trust (04361) Mikko Takala (04380) Alison Strange (04395) Mavis and Tom Elliott (04472) Andrew Currie (04493)</p>	
Provision of the development plan to which the issue relates:	Hinterland	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Support</i></p> <p>(00267) - Support the newly drawn hinterland map and boundary, now including Stittenham which in recent years has come under development pressure for commuter based housing, on both sides of the B89176.</p> <p>Nicola Vestey (04029), Iain Riddle (04071), Mikko Takala (04380), Alison Strange (04395), Aulikki Butt (04253), James Vestey (04028) - Support the inclusion of Bunloit into the hinterland for a variety of reasons; the Bunloit road is, narrow, hazardous and of poor construction. The road rises approx. 1,000 feet up a steep hill with 9 sharp bends and poor visibility, few passing places and recurrent problems with drainage, flooding, snow and icing. Further traffic generated by increased housing will inevitably impact on the safety of this road. [04253 and 04380, HC-GEN1 and 2, Road condition and flooding material and photographs]</p> <p>Further inappropriate development along the Bunloit Road, which is in a Special Landscape Area, will adversely affect the character and public views over the surrounding countryside and Loch Ness, including the experience of those using the Great Glen Way and popularity as a tourist destination and potentially the employment related to it. Attraction depends on the unspoilt location, views and access to rural activities, including</p>		

bird watching, walking, horse riding etc.

Development has harmed the habitats of, and led to a decline in Slavonian Grebe, Black Grouse, Great Crested Newts, Badgers and Pine Martens etc.; further construction will increase disturbance, drainage issues and pollution of nesting sites and predation by household pets.

Ian Allsopp (04124) - Support the plan to increase the Hinterland to the south of Kiltarlity. Increased housing demand expected around the Firth over the coming years makes it essential that new developments are appropriate and given the full scrutiny that this extra protection affords. Developments that bring benefits to the local communities should obviously be supported this extra layer of planning protection, schemes that have no merit will be given the examination they deserve.

Glenurquhart Community Council (01641) - Support the proposal to extend the hinterland to encompass all of Bunloit. This is an important part of our community and has been subject to a number of ad-hoc planning applications in recent years. Inclusion in the hinterland will help ensure development is appropriate.

Sandra Fraser (04232) - Support Bunloit's inclusion into the Hinterland. Bunloit is a unique landscape with many protected wild animals and plants. Bunloit's water can be in short supply at times. The road is not fit for purpose. It is about 5 miles long, single track, and very steep with a lot of blind summits and bends.

Mavis and Tom Elliott (04472) - Supports extension at Bunloit but indicates concerns relating to development at Bunloit these being water supply and traffic. Seriously concerned about the lack of water from our source, which is a burn. Consider that the new houses, recently given planning permission, will to lessen our supply of water. The lack of provision of a water main and increasing planning permissions for housing will exacerbate the situation. Other concern is the heavy amount of traffic on a road which is totally unsuited to the size of vehicle that it now has to accommodate. Traffic often meets on the road opposite our property and some of the wider vehicles have difficulty in avoiding the ditch which runs in front of our house. Would like to see a water pipe put in and the ditch covered over, to avoid vehicle getting stuck which has happened in the past. (Support assumed)

Nigg And Shandwick Community Council (00313) - Note that the Hinterland boundary around Nigg Yard at 6.6 of the Main Issues Report has been removed on map 3 page 10 of the Proposed Plan in accordance with our comments.

Ferintosh Community Council (00284) - Support the retention of 'Hinterland' designation with its restrictive development policies and the rejection of Green Belt designation outside the 'local centre' of Culbokie and the 'other settlements' of Easter Kinkell and Mulbuie.

Floris Greenlaw (01206) - Supports the amendments to the boundary, to include Eskadale, made since the Main Issues Report.

General

Hinterland boundary around Tain

The Royal Burgh of Tain Community Council (00322) - Community Council wishes to

continue with its strong objection to Policy 35 (Hinterland Areas) being applied within our area and would ask its boundaries be redrawn in order to exclude the countryside around Tain, and have this area re-designated Policy 36 (Development in the Wider Countryside). The Hinterland Policy started out life with the intention of being applied to areas considered to be under greatest pressure from development and from commuters working in Inverness yet wishing to live in the rural areas. Effectively Inverness's Green Belt Policy and which has never been substantiated in any terms, neither conceptual, statistical nor practical. We are told now it has evolved into Tain and Dornoch's Green Belt, in effect.

The policy serves only to deny local families an opportunity to live in affordable housing within their local area. It is a NIMBY policy with arbitrary boundaries and well past its 'use by date', if it ever had one to begin with. The recent 'relaxations' have done nothing to give it some relevance to the local community, only served to confuse and anger the public even more. The Highland landscape had a tremendous capacity to accommodate development and it is not being given the chance it deserves to prove that.

The policy has not so much protected the countryside around Tain but helped feed the Inverness 'black hole' which has sucked the lifeblood out of the peripheries for far too long. The Community Council wishes to see a Housing in the Countryside policy tailored to Tain's needs and not that of Inverness.

Hinterland boundary –Slochd Summit

Strathdearn Community Council (00908) - Welcome the Highland Council recognition of the possibility in the future of extending this boundary up to the Slochd summit. Believe this should be done now and included in this plan. Travel time on the A9 (T) south is much faster than on other roads west and north of Inverness where the boundary extends much further. It is not logical to restrict the southern boundary to Dalmagarry as demand for housing in the wider countryside to the south around Tomatin will increase. We wish to see development be encouraged to proceed in Tomatin as we have an acute shortage of affordable and mid-price houses and a need to improve infrastructure. Extend the boundary down to the Slochd Summit in a corridor fashion similar to that used for the A9 (T) north of the Cromarty Bridge and south west along the A82 past Drumnadrochit.

Hinterland boundary-Easter Ross Peninsula

Tain & Easter Ross Civic Trust (04361), Tarbat Community Council (00323) - Believes the eastern part of the Easter Ross peninsula should be included within the Hinterland boundary. Successive planning approvals for housing have been excessive, obscuring scenic tourism views and reducing attractiveness for visitors and locals alike. Approvals have encouraged ribbon development harming the character and social balance of rural communities. Existing commuter pressure and that which will occur with the encouragement of growth in employment in the area including Tain, Fearn, Fendom and Nigg will bring with it further commuter pressures. Note that the whole of the Black Isle is within the Hinterland and consider that the Easter Ross peninsula will be under similar pressure and should have this same designation. At a minimum the area between Tain and Portmahomack should be included in the Hinterland.

Tain & Easter Ross Civic Trust (04361), Tarbat Community Council (00323) - Concern expressed at the amount of development in the open countryside along the roads in the area. Particularly along the main road between Portmahomack and Tain (the B9165 and B9174), the un-numbered road between Portmahomack and Rockfield, and increasingly along the un-numbered road between Portmahomack and Tarbat Ness.

Concerns about this ribbon development; does not encourage any sort of community life; existing settlements miss out on residents who could enhance their community life and their social balance; loss of the fine landscapes in the area and the magnificent and unparalleled views of the Dornoch Firth and the Sutherland and Caithness coastline and mountains.

Pressures for housing in rural areas will increase with the growth in employment opportunities in the Ross-shire growth area. Consider that the review of the hinterland boundary has not recognised that this area has increasingly become a commuter area for all the large settlements in the inner Moray Firth including Inverness.

Hinterland boundary – delineation

Angus Mackenzie (00992) - The hinterland boundary cuts across land to the south and east of this point and crosses it following a line between the top of the hill at NH667291 and the top of Brin rock at NH662295. This is an arbitrary line which cuts across fields thus creating an arbitrary definition of the Hinterland at this point. The proposed change follows existing boundaries in the form of a farm track, the B851, the road past Brin House and the river Nairn. In this way fields are left entire, either within, or outside the hinterland area.

Hinterland policy application

Jonathan Wynne Evans (04184)

In places the Hinterland proposed overlays the SLAs. The priority for any development proposed in such overlay areas should be the SLA, and the existence of the Hinterland in such areas should not be seen to undermine that in any way.

Neil Oram (04185) - Land at Goshem is already part of the Special Landscape Area any future development must meet the criteria already proposed for such areas. At some future date I may well wish to give the house here to my daughter who has learning difficulties and build a new house for myself in the adjacent paddock. I would expect to have to meet the SLA criteria in any such application. That land at Goshem should be removed from the Proposal for the Hinterland.

Hinterland-Crofting

Friends of the Earth Inverness (01208) - Wish to see provision for new crofts with appropriate housing seen as appropriate development for Hinterland.

Hinterland policy – Scotsburn/Lamington

Andrew Currie (04493) - This Plan seems to treat the hinterland as the “bits left over” rather than as an aspect of the Plan critical to the overall development of the area. Between Invergordon and Tain for example over half the area designated as “hinterland” in map 3 is also designated as “growth area” and parts of the growth area overflow into the hinterland of the designated “hinterland” suggesting that the designation is largely meaningless and subject to ready abandonment.

This is evidenced by the experience of West Lamington. The 1991 Easter Ross Local Plan allowed possibility of limited development for specific reasons e.g. land management

purposes. The serious drainage problem was emphasised in the Plan.

Ross and Cromarty East Local Plan went out for public consultation but the Lamington section was unfortunately advertised as a Scotsburn and as a consequence not considered relevant to Lamington residents who did not raise any objections to the inclusion of in-bye land. After adoption, applications for no fewer than 12 new houses on/or adjacent to one croft of which 9 were on land added to the settlement development area by the new Plan.

Additionally a recent study as identified the area between the Marybank Road and Fern Hollow as “hinterland” containing a “housing group” suitable for infill or rounding off despite a recent report from reputable consultants reinforcing the original assessment of the drainage limitations.

Previous plans have given a clear impression that “housing groups” referred to a handful of adjacent buildings (such as a substantial farmhouse and its ancillary buildings) and not to a half mile collection of small groups of homes totalling 15 existing houses and 7 speculative planning permissions all likely to generate drainage problems if built.

Over less than 25 years, an area in a recognised settlement has changed from being considered unsuitable for development to an area in the supposedly protected “hinterland” awaiting proposals for infill or rounding off.

A distinctive feature of Easter Ross remains the scattered small groups of houses and individual homes set in the countryside, often occupying settings only visible from immediate vantage points, although developments permitted in recent years are by no means matched to the established character of the area., most of this scattered rural housing is in character, or at least shrouded by trees or landforms, and makes a positive contribution to the scenic character of the area as enjoyed by both residents and visitors.

Recent Highland Council Planning Department consultations have stressed both the undesirability of suburbanisation of the countryside and the current opportunity to guard against this. At this time the negative impact of suburbanisation is growing because of future transport priorities and of the implications for public expenditure arising from increased amenity expectations.

A definition of “housing group” which embraces the likes of West Lamington is an open backdoor to uncontrolled suburbanisation. The outcome can only be increased settlement in locations which can neither be serviced by public transport, which are too remote for active travel and which require public services which can only be provided at disproportionate cost.

As no part of the Highlands is more at risk from suburbanisation than the Inner Moray Firth a small section in the Proposed Plan should draw attention to this and a specific definition of housing group should state clear limits in both numbers of existing and additional units and in geographical scale of the group should be specifically stated. The importance of “hinterland” in managing the danger of suburbanisation should also be reflected by maps, such as map 3, clearly indicating the boundaries of hinterland with areas considered as possibly suitable for development. These are of much greater significance than the boundaries between “hinterland” and the wider countryside.

Modifications sought by those submitting representations:

Hinterland boundary

Strathdearn Community Council (00908) - Extension to Inverness Hinterland boundary to Slochd Summit.

Ian Allsopp (04124), Jonathan Wynne Evans (04184) - Within the policy for the Hinterland a stated presumption against development within any SLA.

Neil Oram (04185) - Removal of land at Goshem from the Proposal for the Hinterland.

Angus Mackenzie (00992) - Change to the hinterland boundary to through Mains of Flichity (grid NH674293), then follow the track NNE to join the B851, then follow the B851 south west to the road junction at NH668295, then NNE to cross the river Nairn and follow the NW bank of the river Nairn to join the existing boundary line.

Friends of the Earth Inverness (01208) - Change to Highland-wide Local Development Plan policy and Housing in the Countryside and Siting and Design Guidance to accommodate provision of new crofts.

The Royal Burgh of Tain Community Council (00322) - Change in Hinterland boundary to exclude hinterland around Tain.

Tain & Easter Ross Civic Trust (04361), Tarbat Community Council (00323) – Modification to hinterland to include area west of Tarbat Ness and east of Tain and to include whole of Tarbat Community Council area.

Tain & Easter Ross Civic Trust (04361) - Expansion of boundary to enclose whole of Easter Ross peninsula or at least the Tain to Portmahomack coastal area.

Summary of responses (including reasons) by planning authority:

Support noted

Ardross Community Council (00267), Nicola Vestey (04029), Iain Riddle (04071), Mikko Takala (04380), Alison Strange (04395), Aulikki Butt (04253), James Vestey (04028), Ian Allsopp (04124), Glenurquhart Community Council (01641), Sandra Fraser (04232), Mavis and Tom Elliott (04472), Nigg And Shandwick Community Council (00313), Ferintosh Community Council (00284), Floris Greenlaw (01206) - The Inner Moray Firth Local Development Plan gave opportunity to re-assess and consult on the extent of the existing hinterland around towns boundary that forms the spatial element of the Highland-wide Local Development Plan Policy 35 Housing in the Countryside (Hinterland areas). The previous extent of the boundary had been defined during the preparation of this Plan's predecessor Local Plans. The consultation on the boundary considered representations from all parties which were considered alongside an evidence base relating to housing pressures experienced in localities and also housing needs in these areas.

Of comments received during the consultation there was a balance of comments received in respect of the proposed changes consulted on. Comment received differed between those seeking further extensions to the boundary and those supporting the removal of

policy control through contraction of the boundary.

General comments seeking a change to the policy itself are not the subject of consideration in this consultation with the policy approach already established in the Highland-wide Local Development Plan. In order, however, to clarify the current policy position the Council maintains a two tier approach to identifying the potential for housing development within the countryside.

- Policy 35 Housing in the Countryside (Hinterland areas) applies to areas within the hinterland around towns where housing development pressure in the countryside is greater due to commuter demand and greater control is applied;
- Policy 36 Development in the Wider Countryside applies to more rural areas where the levels of development are considered less of an issue and where a more permissive approach to housing development applies.

[CD1: Highland wide Local Development Plan, Policy 35 and Policy 36, pages 86 and 87]

The hinterland boundary brings with it a greater degree of control over housing development whereas contraction of the boundary will lessen the controls on the affected area. In both policy approaches there is a focus on the siting and design of development proposals.

The HwLDP and the associated supplementary guidance Housing in the Countryside and Siting and Design Guidance [THC HC-GEN1, Housing in the Countryside and Siting and Design Guidance, 2011] provides greater detail and guidance on opportunities for development both in the hinterland and the wider countryside. This policy approach alongside the various exceptions to the policy has seen an increase in house development opportunities while also managing the environmental and visual impact of development on the countryside asset of the area.

Hinterland boundary around Tain

The Royal Burgh of Tain Community Council (00322) - The Hinterland boundary and associated Housing in the Countryside policy were developed in the Highland Structure Plan 2001, using policy context in National Planning Policy Guidance 3: Land for Housing and National Planning Policy Guidance 15: Rural Development. This represented a response to increasing pressure on rural areas around towns for commuter housing. This applied not only to pressures around Inverness but also the larger towns across the Highland area including Tain. The boundaries reflected: levels of development pressure, travel to work patterns, social and economic fragility, physical features, landscape, and settlement distribution. Forthcoming local development plans will re-examine the hinterland boundaries.

The Council points out that around Tain, the boundary was subject to consultation during preparation of the Ross and Cromarty East Local Plan. Comment between greater and less restriction was balanced. Some reduction in areas of less development pressure resulted. Moreover, housing groups with potential for further development were identified. Since 2010, till March 2014 7 houses have been built in the hinterland area identified by the Community Council, this does not appear a large number numerically, but represents 15% of all development in the Tain area over that period, including the settlement itself. This demonstrates that in relation to overall development levels that the existing boundary alongside the policy still maintains opportunity for development in the hinterland, whilst

minimising impact on the rural landscape whilst also demonstrating the relative pressures for housing development in the hinterland areas. The approach is consistent with the aims of Scottish Planning Policy.

Hinterland boundary –Slochd Summit

Strathdearn Community Council (00908) - In respect of objection seeking an extension of the hinterland boundary to the Slochd Summit and growing pressures around Tomatin the Council consider the following issues. The area surrounding Tomatin has been subject to pressure for proposals for housing in the areas surrounding the settlement. The lack of adequate drainage in the village has led to a localised issue where development proposals outwith the settlement are being brought forward. This issue does not appear to be driven by an Inverness based commuter market at this time and investment in an adequate sewerage solution for the settlement should reduce pressure for development in the countryside around Tomatin. It is acknowledged, however, that improvements to the A9 (T) road will increase the potential for commuter based housing development. The Council will continue to monitor development pressure on this basis with a view to a future review of the hinterland boundaries. It is therefore considered that the expansion of the hinterland boundary is not appropriate at this time.

Hinterland boundary-Easter Ross Peninsula

Tain & Easter Ross Civic Trust (04361), Tarbat Community Council (00323) - The extension of the hinterland boundary to cover the northern part of the Fearn Peninsula was sought. The current policy approach (HwLDP and RACELP) had considered the area would benefit from a more permissive approach to housing proposals in the countryside in order to support existing services and facilities at risk from a declining population. The approach has helped deliver an upturn in housing development to the area; however concerns have been raised as to the visual impact of development that has taken place. The Council's Supplementary Guidance: Housing in the Countryside and Siting and Design provides guidance on issues to consider when developing proposals for housing development in rural areas including considerations of design, the existing settlement pattern, landscaping and scale of development.

Therefore, it is considered that an extension to the hinterland in this location is not required and that the implementation of the Housing in the Countryside and Siting and Design Supplementary Guidance (HiC SG) will address concerns about inappropriate development in the area. It is therefore considered that the expansion of the hinterland boundary is not appropriate.

Hinterland boundary – delineation

Angus Mackenzie (00992) - The boundary extent of the existing hinterland boundary follows readily identifiable geographical features. It is not considered that the boundary requires any further modification.

Hinterland policy application

Jonathan Wynne Evans (04184) - The two Highland-wide Local Development Plan policy areas relating to Special Landscape Areas, Policy 61 Landscape [CD1: Highland wide Local Development Plan, Policy 61, page 115] and Policy 35 Housing in the Countryside (Hinterland areas) seek to maintain and minimise the impact of development on the

landscape and as such can be viewed as complementary in that respect and do not present any issues of policy conflict.

Neil Oram (04185) - As indicated above the two policies are complementary but have different origins in policy terms and are not interchangeable in terms of what they are designed to achieve. The Housing in the Countryside (Hinterland areas) policy of the HwLDP provides opportunity for development subject to compliance with the Housing in the Countryside and Siting and Design Supplementary Guidance.

Hinterland-Crofting

Friends of the Earth Inverness (01208) - The Supplementary Guidance: Housing in the Countryside and Siting and Design Guidance sets the various exceptions for development opportunity in the area. Potential exist for the development of new crofting townships that offer a wider community benefit, support is not given for individual croft applications unless they can meet criteria specified in the Supplementary Guidance.

Hinterland policy – Scotsburn/Lamington

Andrew Currie (04493) - The hinterland policy application extends to areas within the defined boundary and lie outwith defined development areas. The growth area indicates the spatial strategy of the area, generally, but more specifically to the allocated settlements and employment areas. This recognises and supports the continued market for employment supporting the oil industry primarily through inspection, repair and maintenance work, but also through the growing capacity at Nigg, Invergordon and Deephaven to accommodate a wider range of activities relating to construction, research and development in the renewable energy sector.

The Ross & Cromarty East Local Plan defines Scotsburn [CD3: Ross and Cromarty East Local Plan, Written Statement page 36, Map booklet page 11] as a small rural settlement and as such development proposals were not subject to consideration under the Housing in the Countryside policy. The Inner Moray Firth Proposed Local Development Plan does not identify these smaller rural settlements specifically and those such as Scotsburn\Lamington will fall to be assessed under HwLDP Policy 35 Housing in the Countryside (Hinterland areas). Development proposals will be assessed against this policy and its associated Supplementary Guidance. The SG sets out the areas where potential development opportunities lie and where exceptions apply. This approach allows flexibility to accommodate housing development in pressured rural areas in line with Scottish Governments desire to see the availability for housing development in rural areas. Decisions will also be informed by the recent housing capacity study undertaken for the area and identifies areas where potential infill and rounding off of existing groups exist. Potential for development in these areas will need to adequately address other issues such provision of appropriate infrastructure and services including drainage. The Housing in the Countryside and Siting and Design Guidance alongside any specific housing capacity studies are intended to allow a level of development in pressured rural areas while minimising impacts on the countryside.

The HiC SG allows the identification of housing groups through a criteria based approach set out in the document rather than seeking to identify every opportunity for development over an extensive geographic area.

Accordingly, the Council believes the Hinterland boundary should be retained without modification.

Reporter's conclusions:

Preliminary Matters

1. Policy towards development in hinterland areas is covered in Policy 35 of the Highland-wide Local Development Plan. The Highland-wide plan also identified the boundary of the hinterland areas, but explicitly commented that these would be reviewed through the preparation of the area local development plans. Therefore matters connected to the policy that should apply in hinterland areas are outwith the scope of this examination, but matters raised regarding the location of the boundary of the hinterland are discussed further below.

2. As described in paragraph 2.7 of the proposed plan, the hinterland designation is used to limit housing development on unallocated sites in areas of greatest commuter pressure. It is not intended as a tool to restrict development for other purposes, such as in areas of particular scenic quality or with inadequate infrastructure provision. Other policy tools address these matters. The main consideration therefore in deciding whether an area should be included in the hinterland is the level of commuter pressure.

Hinterland boundary around Tain/Fearn peninsula

3. One representation seeks the removal of the hinterland designation around Tain: others seek its extension west of Tain towards Portmahomack and Tarbat Ness. Given Tain's location on the A9 and its inclusion within the Ross-shire Growth Area, the town can be expected to be a focus for development pressure. In the interests of a plan-led system, it is sensible for this pressure to be directed to the best locations rather than proceeding in an uncoordinated way. Indeed the plan proposes significant allocations in Tain to meet the demand for housing land. Beyond these allocations, I therefore agree that it is wise to maintain a level of restraint around Tain through the use of the hinterland policy.

4. In the Fearn peninsula to the east of Tain there is generally little evidence on the ground of excessive sporadic or modern development. This indicates that there is currently no imperative to extend the hinterland designation across the peninsula as a whole. However in the area between Tain and Inver, modern suburban development is more apparent, including some examples of poor design. It may be that this smaller area would benefit from hinterland status, but I am conscious that this specific idea has not been subject to public consultation. It is also the case that it would take some further study to arrive at the most appropriate robust boundary in this area. I therefore conclude that a possible extension of the hinterland area between Tain and Inver is a matter the council could consider further with a view to consulting on such a change when the plan is reviewed.

Hinterland boundary north of Slochd Summit

5. The council explains above its reasoning as to why housing proposals are emerging in the countryside around Tomatin, but it also accepts the risk of more commuter-based pressure in the future. Given the relatively short travel time from Tomatin to Inverness,

the existence of such pressures, either now or in the future after the upgrading of the A9, seems likely. But again I am conscious that this specific idea has not been subject to public consultation. It is also the case that it would take some further study to arrive at the most appropriate robust boundary in this area. I therefore conclude that a possible extension of the hinterland area towards Slochd summit is a matter the council could consider further with a view to consulting on such a change when the plan is reviewed.

Hinterland boundary in Strathnairn

6. The boundary amendments sought by Angus Mackenzie may have some merit, but are of a level of detail that could not be readily illustrated on Map 3 of the plan, which is of a small scale with little background mapping. Map 3 is clearly intended to show the broad extent of the hinterland, but not a detailed boundary down to the level of precise field boundaries. I therefore conclude it would be of no practical effect to recommend a change in this area.

7. It may be that this matter can be considered through the review of the Highland-wide Local Development Plan, which includes a slightly more detailed proposals map.

Hinterland boundary at Goshem

8. The argument given for removing this land from the hinterland is that it already forms part of a special landscape area. This overlap in designations occurs in several parts of the plan area. As the two designations have different purposes, and different policy tests apply to them, this situation is justifiable. No change to the plan is required.

Policy Matters

9. As stated above, the policies to be applied in the hinterland area and special landscape areas are set out in the Highland-wide Local Development Plan, and not in the Inner Moray Firth plan. Consideration of the relative weight to give to these two designations is therefore beyond the scope of this examination.

10. Additionally, policies on crofting are contained in the Highland-wide Local Development Plan and not the Inner Moray Firth plan. Consideration of whether new crofts are appropriate in hinterland areas is therefore beyond the scope of this examination.

11. Matters connected to housing policies within the hinterland, wider countryside and the treatment of housing groups are similarly covered by policies in the Highland-wide Local Development Plan or the Housing in the Countryside and Siting and Design Guidance.

12. The role of the hinterland in protecting pressured areas of the countryside from suburbanisation is already clearly stated in paragraph 2.7 of the proposed plan. It is not surprising that many of the areas identified as hinterland are also within growth areas, as these are the areas where demand for development is greatest. However there is no suggestion that all land within the broadly defined growth areas is suitable for development. Indeed, in these areas, the hinterland policy has a crucial role to play in directing development to the most appropriate locations, generally allocated sites.

13. No modifications in relation to these policy matters are required.

Reporter's recommendations:

No modifications.

Issue 5	Policy 1: Promoting and Protecting City and Town Centres	
Development plan reference:	Paras. 2.8-2.9 Pages 12-13)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Dr Donald Boyd, Westhill Community Council (00324) Brian Stewart (00993) Munro Construction Highland Ltd (01235)	Hercules Unit Trust (04398) F&C REIT Asset Management (04407) Asda Stores Limited (04443)	
Provision of the development plan to which the issue relates:	Policy 1 Promoting and Protecting City and Town Centres	
Planning authority's summary of the representation(s):		
<p>F&C REIT Asset Management (04407) - Supports Plan's Town Centres First principle in particular that this principle should be in relation to all footfall generating proposals and not only retail and leisure proposals because the City centre should be protected from out of town retail developments. Also welcomes the proposal by the Council to establish Inverness City Centre as a 'Priority Action Area', and the proposal to review the City Centre Development Brief because this will attract potential developers and investors.</p> <p>Dr Donald Boyd, Westhill Community Council (00324) - Seeks new Community Policy because: areas of Inverness are more like building sites with few local amenities in terms of shops, medical surgeries, pharmacies, churches and community halls than real neighbourhoods; such a policy would require developers and the Council to build communities and foster community relationships and involvement in terms of buildings, amenities and road infrastructure, and; such a policy would create a sense of place and community with cohesion and balance.</p> <p>Brian Stewart (00993) - Disagrees that footfall generating developments should be directed to the larger centres in the first instance because: it would be more equitable to locate such developments where they can best serve - and create employment for - local communities; towns such as Dingwall, Tain, Cromarty and Nairn may be more appropriate locations for such development using this criterion than Inverness City Centre; centralising all higher order facilities in Inverness will not achieve the Plan's aim of "maximising accessibility"; more dispersed provision of facilities will better meet the aim of "maximum accessibility"; "suitable site" is not defined, and; district and neighbourhood centres are not settlements and can never become such and should not be afforded the same status as settlement centres.</p> <p>Hercules Unit Trust (04398) - Seeks amendments because: "West Seafield Retail Park" is better known and more accurately described by its trading name; a significance test of impact and footfall should be added to be consistent with national planning policy, and; "retail impact analysis" is a more accurate and accepted term for the report than "a sequential assesment."</p>		

F&C REIT Asset Management (04407) - Supports principle behind policy but seeks amendments because: more emphasis should be placed on the need to assess the impact of new proposals outwith the City and Town Centres, and; its suggested wording would further protect the City and Town centres. Welcomes that Inverness is located at the top of the settlement hierarchy. Welcomes the inclusion of the statement that residential uses will be encouraged within the upper floors of buildings within all of the centres as this will help to create additional footfall and expenditure within the City Centre, which will in turn improve the vitality and viability. Welcomes that this is first policy of the document, emphasising the importance of the issue to the Council.

Asda Stores Limited (04443) - Believes that the Asda store at Tain should be included within the hierarchy because: a planning permission in principle for retail development was given in February 2011; planning permission for matters specified by conditions was subsequently granted and the store opened in Autumn 2012; the wider neighbourhood expansion the store serves is allocated as TN5 in the Proposed Plan; such a neighbourhood centre would encourage the provision of more community and commercial facilities in line with local aspirations and create a focused hub, and; it provides an established service to the local community and should therefore have protected status within retail policy.

Supports the allocation of the Inverness Slackbuie site and its immediate surrounding area as an Inverness Neighbourhood Centre within the retail hierarchy because: planning permission has been granted for a Class 1 foodstore with petrol filling station and a number of ancillary retail units and the store opened in July 2012; the mixed use facilities will provide a centre function for this growth area and will support the large-scale, proposed additional housing in this part of Inverness; the Asda complex and the wider permissions in the area for a medical centre and other commercial uses will provide a hub and focus for community activity, and; such a hub should have protected status within retail policy with recognition of its important contribution to the catchment population.

Munro Construction Highland Ltd (01235) - Seeks more land use flexibility for town centre sites in particular at Invergordon High Street [01235/Policy 1/1, map of potential development site] because: land is allocated within adopted local plan (site 3) ; the success of the Ross-shire Growth Corridor depends upon supporting facilities and accommodation; adopted plan site 3 offers opportunities to meet some of these needs in a centrally located position with active travel options to some of Invergordon's key employment sites; services and facilities; the site lies within the Plan's Invergordon Town Centre boundary and should therefore be suitable for mixed uses, and; application of Policy 1's principles should mean that all uses which may add to the vitality of a town centre should be considered positively and flexibly taking account of market conditions and local demand.

Modifications sought by those submitting representations:

F&C REIT Asset Management (04407) - None – comment of support.

Dr Donald Boyd, Westhill Community Council (00324) - A new Community Policy.

Brian Stewart (00993) - Para 2.8 second sentence, delete “unless this plan identifies an exception”. Para 2.8 fourth sentence, after 'Inverness City Centre’ delete “in the first instance” and insert “or a local/sub-regional centre”. Para 2.9 second sentence - delete

entire sentence. Para 2.9 third sentence: add (here or elsewhere) some explanation of the criteria by which the “scale” of development relative to a site will be judged (ie how will proportionality or a suitable “match” be assessed. Policy 1: delete the word “Sequential” and the entire second paragraph, “Proposals..... centre(s)”, for the reasons given above on proportionality and compatibility and - see below - on “sequential”. Table 1: Delete Inverness District Centres and Inverness Neighbourhood Centres.

Hercules Unit Trust (04398) - Tier 2 Centre - “West Seafield Retail Park” to be changed to “Inverness Retail Park” Revised wording for the Policy 1: “The Council will not support any proposal for development that is likely to have a significant adverse effect on the vitality and viability of any of the centres listed below and highlighted on the maps in Section 4. Developers of proposals that generate significant footfall should consider potential sites for their development in a sequential manner working down the hierarchy of centres listed below. If the Council considers that a proposal may result in a significant adverse impact on the vitality and viability of any of these centres then the developer will be required to produce a retail impact assessment.”

F&C REIT Asset Management (04407) - Amend text of Policy 1 to read as follows: ‘If the Council considers that a proposal may result in an adverse impact upon the vitality and viability of any of these centres then the developer will be required to produce an impact assessment on a sequential basis. If this demonstrates an adverse impact then the development proposal will not be supported.’

Asda Stores Limited (04443) - Inclusion in the hierarchy of a neighbourhood centre based on the Asda store at Tain.

Munro Construction Highland Ltd (01235) - More land use flexibility for town centre sites.

Summary of responses (including reasons) by planning authority:

- All the comments of support are noted and welcomed.
- Policy 1 identifies, protects and promotes the further expansion of, a network of commercial and community facility centres so that user and provider accessibility is maximised. In developing neighbourhoods community cohesion and facilities will not be there on day 1. In a perfect world of plentiful public finances then advanced provision of all supporting infrastructure and facilities could be subsidised but in current, real world circumstances such provision is impracticable. The Council and other agencies can reasonably insist on certain advanced provision such as sewer and road connections and even measures such as a subsidised public transport connection but other facilities need to wait until certain development thresholds are met so that provision becomes economic for the public and private sectors.
- The Council accepts that the Policy requires amendment to clarify that developers need not look at potential sites within Inverness City Centre before sites within other Plan area town centres. It is not the policy’s intention to force developers particularly of small scale proposals to eliminate potential (sequentially preferable) sites within Inverness City Centre before looking at sites within say Nairn Town Centre. However, the policy’s intended sequential approach to developer site selection (as well as retail impact assessment) should apply to the rest of the hierarchy. The Council would support, if the Reporters were minded so to recommend, a modification that clarified that the Plan area’s town centres are equivalent to Inverness City Centre in terms of developer site selection. The second test of retail impact on any listed centre would

remain so there would be a “safety net” to prevent the unlikely example a regional shopping centre being promoted within Nairn Town Centre. Definition of the term “suitable” has been subject to recent court debate and decision, and the Council would suggest, if the Reporters see fit to recommend that a definition is necessary, that suitable for the scale and type of development proposed would be the most appropriate definition. The listed district and neighbourhood centres are established and assist in the overall aim of maximising accessibility for users and providers and in the larger urban areas offer vital active travel alternatives to car borne travel to the relevant City/Town centre.

- The Council has tried to be factual and objective in its naming of sites and other geographic locations within the Plan. Therefore commercial trade and locally known nicknames have not been used. If the Reporters see fit to recommend such modifications then the Council would support a significance test for retail impact but not for footfall since Policy 1 has a two step approach. The first step is to encourage developers, in site selection, to put City and town centres first for developments generating any footfall. The second step is about retail impact assessment which should have a significance test. The Council agrees that “retail impact analysis” is a more accurate and accepted term for the report than “a sequential assesment” should the Reporters see fit to recommend such a change.
- The policy already applies to proposals outwith the listed centres so no change is required.
- Policy 1 does not list and therefore protect district and neighbourhood centres outwith Inverness because the other settlements are not large enough in terms of geographic area and population catchment to have district and neighbourhod centres that could assist in increasing accessibility. For example, Tain’s Asda is in a peripheral not a central location, relies upon an element of passing, car borne travel and if it expanded further may threaten the vitality and viability of Tain Town Centre to the detriment to overall accessibility across that settlement.
- The suggested Invergordon site is within its town centre and therefore a suitable mixed use proposal would be acceptable in principle under the terms of Policy 1. Accordingly, the Council believes that no modification is necessary in respect of this comment.

Reporter’s conclusions:

Dr Donald Boyd, Westhill Community Council (00324)

1. This representation makes a sensible point about the need to build communities. The council is correct however in its statement that it takes time to provide all the facilities that are necessary to build neighbourhood community cohesion. Historically neighbourhoods have developed over a period of time, with community facilities generally appearing once there is a population base to support them. At one time, when movement was restricted because of limited transport and finance, and facilities, including employment, were locally based, these would have developed on a small scale within local communities. Development thresholds are now much larger, and I agree with the council that the provision of many facilities must wait until these have been reached. No modification is required.

Brian Stewart (00993), Hercules Unit Trust (04398), F&C REIT Asset Management (04407)

2. The council accepts the basic issue that the policy is wrong in proposing that potential developers should look first at Inverness city centre for development sites. For one thing it would effectively contradict the plan's policy of designating growth areas in which development is to be promoted. The council recommends that a modification be made to clarify this.

3. I detect that there is some misunderstanding of each other's position between the council and representee 00993. To resolve this I sent a further information request to the council asking for revised wording to the policy and supporting paragraphs as necessary. The representee was then able to respond and provided a constructive reply. Concerns remain over the use of the word 'hierarchy' and 'sequential', and the inclusion of the Inverness 'District Centres' (as described in the plan) within the policy. I think it is helpful in resolving these issues to look at Scottish Planning Policy (SPP). This is an up to date statement of Government policy guidance on planning matters and carries significant weight.

4. SPP sets out at paragraph 60 policy principles that should be used in development plans, the first being that they should apply a town centre first policy. This is stated clearly in the second sentence of plan paragraph 2.8, and for this reason I consider this sentence should be retained. I do not believe there is any difference between the council and representee on this point.

5. Paragraph 61 states that plans should identify a network of centres that is likely to include city centres, town centres, local centres, and *commercial centres* (my italics). It adds that these may be organised in a hierarchy. I consider that the settlement hierarchy as described and shown on Map 3 and in the table under Policy 1 follows this guidance.

6. Paragraph 63 states that: 'Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres.....retail parks and factory outlet centres'. I consider that this is exactly what the plan is doing in identifying the Inverness District Centres, and for this reason they should be retained in the plan. To bring them into line with SPP, and meet some of the criticism that they are not centres as such, they should be renamed "Inverness (Commercial Centres)". This acknowledges that Inverness is the settlement, and the centres' locations within this. In this respect I accept the council's view that the retail parks should retain their site or geographical location name rather than their commercial trade name.

7. With regard to the term 'sequential' this arises from SPP paragraph 68, which states that development plans should adopt a sequential town centre first approach when planning for uses that generate significant footfall. This equates to the approach spelt out in the second sentence of paragraph 2.8, which is another reason for retaining it. That said I am minded to exclude the wording 'unless this plan identifies an exception' in that sentence. In saying this I am persuaded by the representee 00993's comment that this could amount to a 'u-turn' on the part of the council. In addition no exception within the plan has been drawn to my attention. In the event that a proposal did come forward that is contrary to the policy it would be open to a developer to argue the case for a departure from the development plan justified by other material considerations.

8. Sequential also applies within individual settlements, rather than between settlements within the overall hierarchy. This has been recognised by the council in its proposal for two new sentences to replace the first sentence in the second paragraph of Policy 1. These also refer to site suitability in terms of the scale and type of development proposed, and as to how appropriate this is to the hierarchical scale and function of the centre within which it is proposed. I have no difficulty with this modification, which I believe to be in line with the overall thrust of SPP.

9. I accept the council's view, however, in response to representations, that the use of the term 'sequential assessment' is wrong in paragraph 2 of the policy, and that it should read "retail impact assessment".

10. Taking all these points into account I have considered carefully the matters raised in representations and the council's responses, and recommend a number of modifications to address these.

Asda Stores Limited (04443)

11. I agree with the council that none of the settlements outwith Inverness are large enough in terms of geographic area and population catchment to have district and neighbourhood centres that could assist in increasing accessibility. The Asda store in Tain now appears well established, but I agree with the council that its expansion beyond this could threaten the vitality and viability of the town centre. No modification is needed.

Munro Construction Highland Ltd (01235)

12. Proposed Policy 1 sets out the circumstances within which proposals can be supported within settlements in the plan area. Invergordon is designated as a second tier town centre, with only Inverness being in the top tier. There is thus a strong likelihood of suitable mixed uses being supported. In this context 'suitable' is now defined in my modification below as suitable in terms of scale and type of development. As a second tier settlement I would expect Invergordon to be appropriate for a fairly wide range of activities. In these circumstances I do not see any need for a specific site designation. No modification is needed.

Reporter's recommendations:

It is recommended that:

1. In the second sentence of paragraph 2.8: 'unless this Plan identifies an exception' be deleted;
2. In the second paragraph of Policy 1 the first sentence be deleted and replaced with: "Developers of proposals that generate footfall (visits by the general public) should consider sites that are suitable, in terms of the scale and type of development proposed, within those centres listed below. Developers should also consider how appropriate the scale and type of their proposed development is to the hierarchical scale and function of the centre within which it is proposed."
3. In the original second sentence 'sequential' be deleted and replaced with "retail impact".

For the avoidance of doubt the second paragraph of Policy 1 now reads:

“Developers of proposals that generate footfall (visits by the general public) should consider sites that are suitable, in terms of the scale and type of development proposed, within those centres listed below. Developers should also consider how appropriate the scale and type of their proposed development is to the hierarchical scale and function of the centre within which it is proposed. If the Council considers that a proposal may result in an impact on the vitality and viability of any of these centres then the developer will be required to produce a retail impact assessment. If this demonstrated an adverse impact then the development proposal will not be supported.”

4. In the table under Policy 1, in the column headed ‘Settlement’, ‘Inverness District Centres’ be deleted and replaced with: “Inverness (Commercial Centres)”.

Issue 6	Policy 3: Other Settlements	
Development plan reference:	Para. 2.26 Pages 17-18	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Highland Housing Alliance (00202) Ferintosh Community Council (00284) Nigg & Shandwick Community Council (00313) Tarbat Community Council (00323) Balnagown Estate (00964) Munro Construction Highland Ltd (01235)</p>	<p>Kilmuir & Logie Easter Community Council (01727) Peter Christie (02212) Blueprint Architecture & Design Ltd (03128) Bell Ingram (04337) Tain & Easter Ross Civic Trust (04361) Donald Fraser (04551)</p>	
Provision of the development plan to which the issue relates:	Policy 3: Other Settlements	
Planning authority's summary of the representation(s):		
<p>Peter Christie (02212) - Seeks better contents pages because anyone interested in the smaller, other settlements will find it difficult to find the Plan content that is relevant to them.</p> <p>Balnagown Estate (00964) - Seeks reallocation of adopted local plan site and settlement boundary because: Scottish Planning Policy (para 73) urges authorities to allocate sufficient, effective housing land to provide a choice of sites in terms of scale location and type, and to provide certainty to all participants in the planning process as to where future development is likely to occur; site was a significant element of the Ross and Cromarty East Local Plan land supply and strategy for this area; it remains within the Plan's Ross-shire Growth Area where growth is encouraged and employment opportunities are/will be; a planning application has been lodged for the site, previous constraints are in the process of being overcome and a positive decision is expected in Spring 2014; any permission would be significant and should be reflected in the Plan's text and mapping; site is identified within the Housing Land Audit 2010 as being an "effective site without planning permission" and is therefore part of the "established land supply"; proposal should not be judged against the Council's countryside policies; it was identified as a preferred site at Main Issues Report stage; only 4 parties made comment on this site option and only one was adverse (from Network Rail) and the safety issues it raised relating to the Delny Crossing have been well documented in Rail Accident Investigation Branch reports as pre-existing, and improvements necessary in the absence of this development; the safety issue can be mitigated by the imposition of temporary speed restrictions pending the installation (by Network Rail) of a permanent solution; the rail crossing is an important feature locally and its closure would be very regrettable; alternative improvements to the crossing could come forward as a result of this proposal which would require to be agreed with Network Rail; constructive dialogue is being held with Network Rail to resolve its objection to the application, and; a positive, specific Plan reference will provide the confidence for investment decisions to be made. Site plan supplied [00964/Policy 3/1].</p>		

Nigg & Shandwick Community Council (00313) - Seeks clarification because: Pitcalnie is not a single place; the wider parish was known as Nigg; Pitcalnie should not be identified for growth (assumed), and; the Plan's countryside policies should apply to the wider Nigg parish including Pitcalnie (assumed).

Highland Housing Alliance (00202) - Seeks pro development reference to site in its ownership at Mount High on the Black Isle because it could help deliver affordable housing (assumed).

Blueprint Architecture & Design Ltd (03128) - Requests specific, pro-development Plan coverage for Kildary because: site has no ownership constraint; planning permission already granted for 24 houses on adjoining land, and; it will be more difficult to obtain planning permission if the settlement has no boundary or the land is outwith any defined boundary. Site plan supplied [03128/Policy 3/1-2].

Bell Ingram (04337) - Seeks reintroduction of positive, specific Plan content for Marybank because: owner will make land available and it is therefore effective; site is allocated in Ross and Cromarty East Local Plan (As Continued in Force) (April 2012) as a 2.7 hectare expansion of the settlement for up to 25 houses; the principal infrastructure constraint is being addressed by the provision of a new waste water treatment works by Scottish Water; the local community support the need to meet demand for housing; the site is within the Council's latest Housing Land Audit 2010; plans to develop the site have only been delayed by the downturn in the housing market which is now showing improvement; a criteria based approach would provide less certainty for the landowner, any future potential developer and the community; a mapped based approach to all settlements which identifies suitable development within or adjacent to existing settlements would better reflect the requirements of national planning policy (SPP para.14); relying on a large proportion of the land supply within windfall sites is a less certain way of matching supply and demand and ensuring a sufficient and effective housing land supply; the aim of streamlining the Plan should not compromise good planning practice, and; small settlement allocations add choice to the location and type of sites in accordance with national planning policy (SPP paras. 70— 76).

Ferintosh Community Council (00284) - Seeks policy proviso because: there is uncertainty whether Mulbuie School will suffer a declining school roll or if it will continue to accommodate children as an overflow from the growth of the Ross-shire corridor.

Munro Construction Highland Ltd (01235) - Seeks more pro-development Plan references to land at Rhicullen/Newmore because: it lies within the Plan's Ross-shire Growth Corridor which has significant existing and future employment potential; land is conveniently located within active travel range of a local primary school and with easy access to key employment sites; growth at Rhicullen/Newmore will support the adjacent Newmore primary school, which is understood to have spare capacity; utilising this capacity makes sense in terms of sustainability and Best Value in the provision of Council services; in bullet point 2 of Policy 3 it is not clear whether or not strong similarity will be a positive or negative factor in this assessment; the spacing, scale and density of new development should be led by placemaking principles which are already set out in other Highland wide development plan policies; its land is far closer to employment centres than Portmahomack and Hill of Fearn which are listed in para 3.12; Barbaravile doesn't have its own school, and; the other settlements listed in para 3.12 are of similar sizes and functions to Rhicullen/Newmore.

Tarbat Community Council (00323) - Seeks specific Plan content for Portmahomack because: a settlement area has always featured in and been defined by past approved plans, including the Ross and Cromarty East Local Plan still in force; specific boundaries and text give context and strategy and some certainty as to what proposed developments should and should not be approved; detail was supplied including site preferences in the Main Issues Report; this Main Issues Report was presented at a local public meeting and many residents made comments including Tarbat Community Council who made specific comments on it; previous plans were produced using a transparent and reasonably democratic process; they gave clarity and legitimacy to planning decisions taken in accordance with them; no justification has been given for dropping Portmahomack between MIR stage and now; individual planning officers and councillors will be given too much influence in the decision making process leading to inconsistencies, anomalies and uncertainty; undemocratic; there is huge pressure for development in the countryside around Portmahomack and the absence of a defined settlement is bound to exacerbate this, and; the Ross-shire Growth Area will increase this pressure.

Kilmuir & Logie Easter Community Council (01727) - Opposes development because: land at Mull Hall has poor ground conditions; larger expansion of Barbaraville will have an adverse impact on the usage of the Delny Railway Crossing meaning that the crossing would have to be closed and traffic redirected either to the dangerous Tomich Junction or over the inadequate Garty Bridge; inadequate demand for new build houses in Barbaraville as evidenced by unsold properties; inadequate capacity and safety of B817 from Invergordon to Kildary and A9 to Nigg which will only get worse with economic expansion; Lamington Policy Assessment and Capacity Study is an important planning document and should be referenced; linking communities by footpaths will improve pedestrian safety and have health benefits (good example - the Dalmore to Invergordon footpath), and; a new pattern of school provision will lead to a different pattern of safer routes to school - new routes should be safe and accessible. Supports expansion of Kildary particularly for leisure or recreational use and "other site" at Wester Tarbat which has good pedestrian and public transport connections. Plan incomplete without a definitive Crofting Land Map and details of the land's usage because this is vital to housing in the countryside planning application decisions.

Tain & Easter Ross Civic Trust (04361) - Objects to lack of detailed Plan coverage for Portmahomack because: it was included both in the Call for Sites stage and in the Main Issues Report; the lack of a boundary creates uncertainty and makes planning decisions, particularly those relating to the fringe of the village, largely dependent on the judgement of the particular planning officers, rather than on policies which have been democratically and transparently adopted; ribbon development between Tain and Portmahomack will be more likely; ad hoc development such as around the farm of Seafield will be more likely between the village of Portmahomack and Rockfield.

Donald Fraser (04551) - Supports aims of policy and suggests a particular proposal at Mulbuie would be compliant because: Mulbuie is a scattered rural community centered around the Village Hall and Mulbuie Primary School; these facilities not only serve as the heart of rural life for the primary age and nursery children attending, but also sustain a wider community with meeting facilities for recreation and social gatherings; further limited housing would help sustain and expand the community; a proposal could also deliver a designated area of recreational ground close by the existing nucleus, for the benefit of both the local school and the wider community; suggests particular expansion site north of the Memorial, between the residences of Suil Beinne and Allandown, bounded by fences on all sides, and amounting to approximately 5.5 acres; believes this would help to form a

more cohesive settlement close to the existing hub and would not place any undue pressure on the existing infrastructure; foul drainage could be by mounded system, and; the policy will prevent rural vitality being lost to larger towns and cities.

Modifications sought by those submitting representations:

Peter Christie (02212) - Addition of Other Settlements and its policy to contents pages of Plan.

Balnagown Estate (00964) - Reinstatement of settlement boundary for Barbaraville, and housing allocation 9(b), as shown in the adopted Ross and Cromarty East Local Plan with revised details to reflect planning application reference 08/00253/OUTSU (site plan/illustrative layout attached) awaiting determination.

Nigg & Shandwick Community Council (00313) - Clarification of the Council's interpretation of the settlement boundary of Pitcalnie.

Highland Housing Alliance (00202) - Seeks pro development reference to site in its ownership at Mount High on the Black Isle.

Blueprint Architecture & Design Limited (03128) - Requests that Plan include a specific inset map and text for Kildary including its development land (details supplied) as an allocation enclosed within a defined settlement boundary.

Bell Ingram (04337) - Reinstatement of detailed provisions for Marybank as shown in the adopted Ross and Cromarty East Local Plan .

Ferintosh Community Council (00284) - Seeks a policy proviso that new development proposals are only supported by the policy provided that (if the settlement has a school as its only facility) the school requires extra pupils at the time of any development proposal.

Munro Construction Highland Ltd (01235) - Seeks more pro development Plan references to land at Rhicullen/Newmore. At para 3.12 as a small community where development will be supported in pursuit of the Ross-shire Growth Area Strategy. Second bullet point: Highland wide Local Development Plan policies Policy 28 'Sustainable Design' and Policy 29 'Design Quality and Placemaking' should be cross referenced through an additional bullet point which should state that they will be used to determine the most appropriate form and density of development at Other Settlements, with design statements and master plans justifying proposals.

Tarbat Community Council (00323) - Settlement map and text for Portmahomack as per Main Issues Report. An additional developer requirement would be added in terms of widening of Tarbatness Road.

Kilmuir & Logie Easter Community Council (01727) - All the open land bordering the B817 from Mull Hall to Polnicol safeguarded from built development. Explicit reference that no more than 30 houses will be permitted in the expansion of Barbaraville. Lamington Policy Assessment and Capacity Study should be referenced in the Plan. References to footway/footpath improvements between small communities that have no other form of safe, non car connection. Amendments (unspecified) to take account of the School Estates Review. Addition of a definitive Crofting Land Map and details of the land's usage.

Tain & Easter Ross Civic Trust (04361) - Reintroduction of Portmahomack village chapter with mapped settlement development area and suitable policy text.

Donald Fraser (04551) - More explicit support for a particular expansion proposal at Mulbuie (assumed).

Summary of responses (including reasons) by planning authority:

- 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 implemented in the list of other settlements. They merit reference on Map 3 which sets out the detailed Plan strategy and their own general policy but no more if modern development plans are to be streamlined documents that concentrate on key areas of land use change. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- An adopted local plan allocation is still a benefit to the respondent if it progresses its application in the short term. Moreover, Policy 3 is still supportive of suitable proposals and Barbaraville is a listed settlement. The respondent has had many years to progress its proposal and could still do so. 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 Ross-shire Growth Corridor so there is no exceptional justification for promoting Barbaraville up the settlement hierarchy. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- Pitcalnie is the location of the facility (the hall) that could be underpinned by further limited development. Policy 3’s wording only supports development proportionate to the settlement’s existing size, pattern and constraints. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- Mount High is a housing in the countryside housing group of former forestry commission houses with no community or commercial facilities and no tradition of settlement even functioning on a wider parish basis. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- Policy 3 is supportive of suitable proposals and Milton of Kildary is a listed settlement. 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 Ross-shire Growth Corridor so there is no exceptional justification for promoting Kildary up the settlement hierarchy. The tourism element of the proposal would be judged against the general policies of the Highland wide Local Development Plan (HwLDP) and appears from the details supplied to be likely to be in accord with those policies. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- An adopted local plan allocation is still a benefit to the respondent if it progresses its application in the short term. Moreover, Policy 3 is still supportive of suitable proposals and Marybank is a listed settlement. The respondent has had many years to progress its proposal and could still do so. 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 Ross-shire Growth Corridor so there is no exceptional justification for promoting Marybank up the settlement hierarchy. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- The Council believes in response to Ferintosh Community Council’s views and the

comments received from pro-development parties that the current policy wording is too open ended and offers inadequate certainty to local residents and developers. A more tightly worded policy, outlined below, is suggested for the Reporters' consideration should they agree that change is necessary. The suggested amendments should reduce current uncertainty about the lack of a settlement boundary and how the Council will judge whether a development will underpin a local facility or not. The very smallest settlements particularly those based on a facility serving a dispersed rural parish rather than a nuclear grouping of development are suggested for deletion given the uncertainty in judging their boundaries and whether more dispersed development would or would not underpin facilities.

2.26

While the Plan focuses the majority of its growth on larger settlements in the area, there are a number of smaller settlements where **the Council believes further limited development is appropriate and this encouragement of further, limited development may help sustain one or more local facilities that function as a hub for the local community such as the local (primary school, or village hall or other well used community venue).** These settlements are listed below and shown on Map 3, and Policy 3 outlines the criteria to guide development in these locations.

Policy 3	Other Settlements
<p>Development proposals within, rounding-off or consolidating adjoining the settlements listed below must address the relevant criteria listed below to be supported. Proposals will be assessed against the extent to which they:</p> <ul style="list-style-type: none"> • are located within active travel range of at least one community/commercial facility and the proposal is likely to help sustain that facilities in that settlement; • are compatible similar in terms of its use, spacing, scale character and density with to development within or adjoining that existing settlement, including consideration of and respect for whether the local facility serves a wider dispersed rural settlement or concentrated village; • may harm the character and social balance of that community or may regenerate a community that is losing facilities, services and/or its permanently resident population. In this case proposals will be assessed as to whether the number and capacity of permissions granted within that settlement over the five year period prior to the proposal being determined suggest that these changes may occur; • can utilise spare, existing capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) within or close to that settlement or new/improved infrastructure could be provided in a cost efficient manner; • avoid a net loss of amenity / recreational areas significant to the wider local community; and • would result in an adverse impact on any other locally important heritage feature (which may include a war memorial, burial ground, important public viewpoint/vista or open space). <p>Abriachan, Advie, Ardross, Balnain, Barbaraville, Bunchrew, Cannich, Croachy, Cullicudden, Daviot, Dochgarroch, Easter Kinkell, Farr, Ferness, Foyers, Garve, Gorthleck, Hill of Fearn, Inver, Kildary, Inverarnie, Invermoriston, Kilcoy, Kilmorack, Marybank, Milton of Kildary, Mulbuie, Pitcalnie (Nigg), Portmahomack, Resolis, Rhicullen / Newmore, Struy, Tomich (By Cannich), Whitebridge.</p> <p>Proposals which demonstrate overall conformity with the above criteria will be in accordance with this policy.</p> <p>Note – This list of settlements is subject to change. The policy will no longer be applicable to settlements losing their last or single facility but will apply to additional settlements acquiring a new facility. We will expect developers proposing a new facility as part of a wider development scheme to demonstrate the facility's future viability and to guarantee its completion by legal agreement.</p>	

- Policy 3 is supportive of suitable proposals and Rhicullen/Newmore is a listed settlement. 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 Ross-shire Growth Corridor so there is no exceptional justification for promoting Rhicullen/Newmore up the settlement hierarchy. As the respondent states, their proposal complies with many of the criteria within Policy 3 which will be in

its favour. Accordingly, the Council believes that the policy should not be modified in respect of this comment.

- 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 socially efficient 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. The Council has adequate criteria based policy coverage within the HwLDP and in Policy 3 to assess and judge housing in the countryside proposals and those on the margins of Portmahomack. Accordingly, the Council believes that the policy should not be modified in respect of this comment.
- See above regarding Barbaraville and Kildary comments. See Vision and Spatial Strategy and General Comments Schedule 4s regarding the practicability of active travel connections in rural areas and the Council's consideration of crofting land quality.
- As stated above, it is suggested for the Reporters' consideration that the very smallest settlements particularly those based on a facility serving a dispersed rural parish rather than a nuclear grouping of development such as Mulbuie with its primary school should be deleted given the uncertainty in judging their boundaries and whether more dispersed development would or would not underpin facilities. This would leave the developer's proposal to be judged against the Council's housing in the countryside policies which may still be supportive of some, more limited, development

Reporter's conclusions:

Policy issues

1. Policy 3 represents a change in approach from previous plans whereby smaller settlements are no longer individually mapped and minor allocations and settlement boundaries are no longer individually defined. Rather, Policy 3 contains a set of criteria against which any proposals that emerge in small settlements will be assessed. While this new approach will reduce the level of certainty afforded by the previous settlement-by-settlement approach, it will also increase the flexibility by which the council can respond to emerging development proposals.

2. Paragraph 79 of Circular 6/2013: Development Planning calls for local development plans to be concise and map-based. The approach followed in Policy 3 has increased the succinctness of the plan at the expense of a loss of map-based content. Paragraph 120 of Scottish Planning Policy expects local development plans to allocate a range of sites to meet the housing land requirement in full. However paragraph 117 also allows for a contribution from windfall sites. The approach followed in Policy 3 may be expected to result in a relatively higher reliance on windfall development at the expense of allocated sites.

3. Overall I consider that the old and new approaches each have their distinct advantages and disadvantages. But I conclude that the general approach followed in Policy 3 is not contrary to government policy. It would in any event be beyond the scope of this examination to introduce detailed maps for all minor settlements, given the number of potentially contentious issues that could arise, and the fact that people have not had

any opportunity to make representations on this material.

4. Concerns are expressed that Policy 3 should not allow for development in circumstances when the local school has no spare capacity. In my view this eventuality is covered by the fourth criterion of the proposed policy relating to the extent to which a proposal could utilise spare existing capacity in the infrastructure (including education) network or provide improved infrastructure in a cost efficient manner. I therefore consider that no modification is required.

5. Munro Construction (Highland) Ltd suggest criterion 2 of the policy requires clarification and cross-referencing to design policies in the Highland-wide Local Development Plan. In my view it is reasonably clear that criterion 2 is seeking for there to be a similarity between the spacing, scale and density of existing and new development.

6. While design policies in the Highland-wide plan will certainly be of relevance to proposals, it is not necessary to make specific cross-references whenever this is the case. There will be a large number of policies that could potentially be cross-referenced in this way, and many locations in the plan where such cross-references could potentially be inserted. Such an approach would produce a bulkier, less readable document. In considering development proposals the development plan needs to be read as a whole, including in this case both tiers of local development plan. Chapter 1 of the proposed plan clearly explains the relationship between the Highland-wide and Inner Moray Firth plans and the purposes of each document. I believe this is the appropriate way of referring to the Highland-wide plan, and therefore do not support further cross-referencing.

7. Regarding crofting land, this matter is dealt with primarily in the Highland-wide Local Development Plan, rather than the proposed Inner Moray Firth plan which is concerned mainly with identifying sites for development.

8. Regarding the importance of linking settlements better by footpaths, I note that the Highland-wide Local Development Plan identifies the Inverness to Nairn and Ross-shire growth areas as green networks. Policy 74 of the Highland-wide plan pledges that the council will develop more detailed green networks. Policy 56 states that the council will have regard to the relevant core paths plan. Paragraph 3.15 of the proposed Inner Moray Firth plan includes 'establishing a framework to maintain and enhance the green network of the area' within the strategy for the Ross-shire growth area. The matter of rural footpaths is therefore already covered to some extent in the development plan. While the Inner Moray Firth Plan might have been an opportunity to provide more detail on this matter, I am content that it can be addressed adequately through such documents as the core paths plan and supplementary guidance.

9. Peter Christie seeks the referencing 'other settlements' on the contents page of the plan. I agree that it is not particularly easy for a reader interested in a particular small settlement to navigate their way to the part of the plan that discusses these. However the contents page does logically reflect the overall structure of the plan and would be disrupted by inserting a reference to this particular policy. Overall I do not consider it essential to make a modification.

10. In their response to the representations, the council has suggested that quite a significant reworking of Policy 3 might be appropriate, including removing a number of smaller settlements from the list at the end of the policy. Regulation 21 of the Town and

Country Planning (Development Planning) Regulations 2008 limits the scope of examinations to the assessment of issues raised in unresolved representations. I am conscious that the amended list of settlements has not been subject to consultation. There may well be parties who were satisfied with the content of the proposed plan because of the inclusion of these settlements in this policy. For instance Ferintosh Community Council and Donald Fraser support the inclusion of Mulbuie, and there is no representation seeking the removal of this settlement. In these circumstances I am not convinced that it falls within the scope of the examination for me to remove these settlements from the policy.

11. Similarly, while many of the proposed changes to the wording of the policy have merit, in the main they do not arise from comments made by representees. Overall I therefore conclude that Policy 3 should remain unchanged.

Site specific issues

12. Mounthigh – The Highland Housing Alliance representation referring to a site at Mounthigh appears to support the plan as written. It is also stated that the site concerned already has planning permission. No modification is therefore required.

13. Pitcalnie – The council has explained their reasoning for using the more specific term of Pitcalnie, rather than Nigg. There are a number of small groupings of houses in the Nigg/Pitcalnie area, of which Pitcalnie itself is perhaps the largest, containing a community hall and a small modern housing development. Given that a purpose of this policy is to direct development to settlements rather than the wider countryside, I accept that Pitcalnie is the appropriate term to use.

14. Portmahomack – Tarbat Community Council and Tain & Easter Ross Civic Trust are concerned at the lack of a separate map for Portmahomack. It is the case that Portmahomack is at least as large as various other villages that do have their own maps in the proposed plan. It appears that the council has not included a specific map (including defining a settlement development area) for Portmahomack at least in part because it has no specific development proposals for the village. However the maps in the plan serve a number of other purposes including identifying open spaces to be protected and offering greater certainty as to where infill or 'rounding-off' development is likely to be acceptable.

15. Given the size of Portmahomack I believe it would have been preferable for a separate narrative and map for the village to have been included in chapter 4 of the plan. I have therefore considered the possibility of incorporating the map shown in the main issues report. However doing this would have necessitated decisions regarding the various development opportunities around the village. The merits or otherwise of these sites are not before this examination, and yet excluding them from the development area would preclude their development to a greater extent than if the village remains covered by Policy 3. On balance I consider that although desirable it is not essential for a separate Portmahomack map to be included in this iteration of the plan, given the absence of positive development proposals. Because of this, and the difficulty associated with my introducing a suitable new map at this late stage in the process, I conclude that no modification is required. However I consider that this is a matter that the council may wish to revisit when the plan is reviewed.

16. Barbaraville – Barbaraville falls within the East Ross Housing Market Area, where the council has confirmed, in response to a further information request associated with Issue 2, that a 527 house surplus exists in the housing land supply. There is therefore no imperative quantitative need to identify additional land in this part of the plan area. While the history of development plan allocations and planning applications on the land north of the village indicates that there may be development potential in this area, it is clear from the representation that rail safety issues remain to be resolved. I am also not convinced that a development of the scale proposed would serve to preserve the character of Barbaraville or is necessary to secure the retention of local facilities. I therefore consider that it would not be desirable to identify the land north of the village as a development site. Any proposals that do emerge may still be assessed against the criteria set out in Policy 3.

17. Barbaraville is currently a small village of a scale not generally afforded a separate narrative and map in the proposed plan, particularly if the council is not positively promoting a development. To maintain a consistent approach through the plan I therefore consider that it should continue to be covered by Policy 3 and not by a map and narrative in chapter 4.

18. Kilmuir and Logie Easter Community Council seek for an area of land at Barbaraville to be protected from development and the overall expansion of the village to be limited to 30 houses. Given my conclusion above that no detailed map for Barbaraville should be introduced into the plan it is not possible to protect particular sites from development. However the general terms of the fifth criterion of Policy 3 do serve to resist proposals involving a loss of amenity or recreational areas. Similarly, criterion 3 serves to resist development that would harm the character of the community. Regarding the call for the plan to address issues to do with speed limits in this area, this is a matter that can more appropriately be considered by the council's transportation service than through the development plan.

19. Rhicullen/Newmore – Rhicullen/Newmore falls within the East Ross Housing Market Area, where the council has confirmed, in response to a further information request associated with Issue 2, that a 527 house surplus exists in the housing land supply. There is therefore no imperative quantitative need to promote additional development in this part of the plan area. While the settlement is located close to the A9 and within the Ross-shire growth area, it is very small scale and so would not necessarily be suitable for significant development. In these circumstance I do not believe it to be necessary or particularly useful to highlight this settlement in paragraph 3.12 of the plan as being a community where housing development is particularly supported. As the council states, Policy 3 still offers a reasonably positive policy framework within which to consider appropriate proposals.

20. Kildary – Kildary falls within the East Ross Housing Market Area, where the council has confirmed, in response to a further information request associated with Issue 2, that a 527 house surplus exists in the housing land supply. There is therefore no imperative quantitative need to identify additional land in this part of the plan area.

21. Kildary is currently a small village of a scale not generally afforded a separate narrative and map in the proposed plan, particularly if the council is not positively promoting a development. To maintain a consistent approach through the plan I therefore consider that Kildary should continue to be covered by Policy 3 and not by a map and narrative in Chapter 4. The representee's concerns that future proposals will be

prejudiced by being deemed to be ‘outside the development boundary’ are unfounded, as no settlement boundary will exist for this village. Rather, proposals will fall to be assessed against the criteria set out in Policy 3, which offer some support for well-conceived schemes.

22. Regarding Kilmuir and Logie Easter Community Council’s support for sites at Kildary and Wester Tarbat, I consider these can be adequately assessed against the criteria set out in Policy 3.

23. Mulbuie – Donald Fraser’s representation referring to a site at Mulbuie appears to support the plan as written. The merits of the site can be fully explored at the time of any planning application through the application of the criteria set out in Policy 3.

Reporter’s recommendations:

No modifications.

Issue 7	Policy 4: Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area	
Development plan reference:	Para. 3.9 Page 21	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396)	Friends of the Earth Inverness (01208)	
Provision of the development plan to which the issue relates:	Policy 4: Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area	
Planning authority's summary of the representation(s):		
<p>Scottish Water (00396) - Regards policy as unnecessary because: this is a business as usual activity for Scottish Water; it is strictly regulated in its activities in terms of impact on Scotland's natural environment, and; it already has to undertake its own assessments prior to works including a Habitats Regulation Assessment.</p> <p>Friends of the Earth Inverness (01208) - Seeks sewerage requirement because anaerobic digestion of sewage is now the cheapest form of energy as costs for disposal are also saved and this technology does not seem to be implemented in Highland yet at all.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Water (00396) - Potential addition to this section or removal to reflect that Scottish Water does this as a matter of course through its every day business. e.g after the words 'Scottish Water' insert a full stop and new para. Insert "Scottish Water will continue to work closely with its Regulators and other Agencies as part of its daily operations, to ensure no adverse effects impact on the integrity of these sites." ...Policies 4 and 5.....</p> <p>Friends of the Earth Inverness (01208) - Plan requirement that all new sewage works should include anaerobic digestion and old ones should be converted to this.</p>		
Summary of responses (including reasons) by planning authority:		
<ul style="list-style-type: none"> • This policy replicates (and will eventually substitute for) policy coverage within the Highland wide Local Development Plan (HwLDP) [CD 1, Policy 9, Pages 36-37] that was requested by Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage and endorsed through that Plan's Examination process [THC/Policy 4/1, Pages 44-54] • Accordingly, the Council believes that the policy does not require modification but the additional sentence suggested by Scottish Water is factual and non material, and would therefore be acceptable to the Council if the Reporters see fit to recommend it. • Although an interesting topic with an indirect climate change implication, it is not for the Council or its development plans to prescribe for Scottish Water the method of 		

sewage treatment it should use. SEPA and the Scottish Government have the primary responsibility to assess and oversee the environmental implications of Scottish Water's activities. The choice of sewage treatment technology within a waste water treatment plant would not be material to the outcome of any waste water treatment plant planning application if the standard of treated effluent with the proposed technology was acceptable to SEPA and the Council. Accordingly, the Council believes that the policy should be retained without modification.

Reporter's conclusions:

Scottish Water (00396)

1. I do not accept that the policy is unnecessary as water supply and waste water treatment are essential infrastructure requirements to enable development to take place. I accept that provision of this is a normal activity for Scottish Water, and that it has its own regulatory systems. These do not alleviate the need for such provision to be recognised in the policy, and in this case the references in the policy to requirements under the (Natura) Special Protection Area legislation are correct.
2. The proposed modification, accepted by the council, provides greater certainty over the role of Scottish Water, and I agree that this is a sensible addition.

Friends of the Earth Inverness (01208)

3. I agree with the council that it is not the role of the proposed plan to propose the type of technology to be used at sewage treatment plants. This is a matter for Scottish Water working with the Scottish Government and SEPA. No modification is required.
4. In addition to the representations listed above, I note that A de Joux (representation 04261) has also proposed an addition to Policy 4 relating to alternative waste treatment systems. This raises issues similar to those put forward by Friends of the Earth. The council's comments regarding that representation, and my response above, are also relevant, with the additional comment that allocated sites referred to in Policy 4 could have public systems using local treatment plants employing viable alternative treatment systems, so the use of such systems is not precluded by the policy. Again this would be a matter for Scottish Water and other agencies and no modification is required.

Reporter's recommendations:

It is recommended that, in paragraph 3.9, on page 21 of the proposed plan, in the second sentence, after the words 'Scottish Water' a full stop be inserted and the rest of the sentence be deleted. Add a new third sentence: "Scottish Water will continue to work closely with its Regulators and other Agencies as part of its daily operations, to ensure no adverse effects impact on the integrity of these sites."

Issue 8	Policy 5: Development within the Water Catchment of Loch Flemington	
Development plan reference:	Para. "3.10" Page 22	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Cathy Stafford (00511)	Mary Harrison (04247)	
Provision of the development plan to which the issue relates:	Policy 5 Development Within the Water Catchment of Loch Flemington	
Planning authority's summary of the representation(s):		
<p>Cathy Stafford (00511) - Objects to current wording and suggests a more comprehensive justification and policy because: of the importance of the loch in ecological terms; the related large, braided eskers and one of the longest continuous esker systems in the country that remains essentially unmodified by sand and gravel extraction is vulnerable to groundwater pollution; it should address pollution caused by landscaping works particularly in the vicinity of the Croy Burn; tighter phasing of development will allow better long term monitoring of water quality in the loch and the restoration of the Croy Burn; algal blooms also pose a health risk to the public, and; award winning mitigation work is already ongoing and the site can be promoted as best practice in the protection of freshwater. Also asserts that Kildrummie Kames SSSI should be a special landscape area.</p> <p>Seeks a clearer map so Plan users know to what land area and to which settlements the policy applies.</p> <p>Scottish Water (00396) - Seeks Plan clarification of source of effluent to make it clear that Scottish Water do not have any waste water assets in the area surrounding the loch and that any pollution is not as a result of a public asset.</p> <p>Requests deletion of mains sewerage phrase because: there are no public waste water assets in close proximity to the Loch Flemington Catchment, and; it would be more prudent to emphasise the the upgrading of an existing private septic tank to adoptable Scottish Water standards to allow for the future possibility of connection to public sewerage proposed as part of any major A96 corridor developments.</p> <p>Mary Harrison (04247) - Supports policy as addressing potential effects of development on water quality.</p>		
Modifications sought by those submitting representations:		
<p>Cathy Stafford (00511) - Para. 3.8 amended as follows: 'Loch Flemington is designated as a Special Protection Area (SPA: 79/409/EEC) situated within the Kildrummie Kames Site of Special Scientific Interest, (SSSI). It is a small, shallow loch with no surface outflow, which is fed by both groundwater and the Croy burn; the burn being the only surface water</p>		

input. It has suffered from persistent phosphorus enrichment which has caused major ecological decline. However, Loch Flemington has recently been the subject of a novel and experimental lake management approach with the primary goal of improving water quality conditions. Active monitoring of the Loch's ecosystem is continuing, alongside the consideration of options for the restoration of the Croy Burn. The Kildrummie Kames (also known as the Flemington Kames or more properly, as the Flemington Eskers) are said to be ('Geological Conservation Review') "...probably the best example of large, braided eskers and one of the longest continuous esker systems in the country that remains essentially unmodified by sand and gravel extraction.". Eskers in general are 'extremely to highly' vulnerable to groundwater pollution due to the porosity of the sand and gravel.' Policy 5 amended as follows: 'The Council will produce, in close collaboration with the relevant experts, Supplementary Guidance to ensure that no development proposed, within the water catchment of Loch Flemington, gives rise to pollution which is to the detriment of the past and future measures to improve the ecological recovery of Loch Flemington. All such development proposals must comply with this Supplementary Guidance following adoption of this guidance. The guiding principles and objectives for such guidance will be: 1 To safeguard the water quality of Loch Flemington; water quality which is vital to its habitat value for Slavonian Grebes and therefore its Special Protection Area status; 2 To ensure no increase in phosphorus discharge within sewage effluent entering the loch and originating from development within the catchment; 3 To ensure no increase in phosphorus entering the loch as a result of soil disturbance due to development, including soft landscaping, in the vicinity of the Croy burn; 4 To ensure no increase in phosphorus entering the loch as a result of soil disturbance due to development in the areas known to be part of the Kildrummie Kames esker system; 5 Phasing of development and housing numbers to take into account timescales required for both the effective long term monitoring of water quality in the loch and the restoration of the Croy Burn; 6 To achieve point 2 above; to ensure all development proposals incorporate suitable phosphorus mitigation. Acceptable mitigation will be defined and include diversion of foul water outwith the catchment, connection to adequate mains sewerage facilities, or an upgrade of an existing septic tank within the catchment to a higher standard of treatment; 7 To provide detailed guidance to applicants on how relevant applications will be processed, conditioned and these conditions enforced.' Inclusion of a much clearer map showing the Loch Flemington groundwater catchment.

Scottish Water (00396) - Suggests in para. 3.8 that "originating from the surrounding area" be replaced with "from individual private waste water treatment arrangements in the vicinity of the loch."

Removal of third bullet phrase 'connection to adequate mains sewerage facilities'.

Mary Harrison (04247) - None – comment of support.

Summary of responses (including reasons) by planning authority:

- Although informative, the level of suggested Plan content is wholly disproportionate to the level of development pressure expected within the Loch's groundwater catchment. Nevertheless, the intended Supplementary Guidance (SG) could incorporate some of this detail and is a more appropriate place to reference such material. There will be a further round of public consultation on the SG at which time these specific comments can be given fuller consideration. The Special Landscape Area (SLA) Schedule 4 explains that the boundaries of existing SLAs not new areas were debated through the Plan process. In any event, the SSSI designation carries a higher degree of Plan

protection from development than an SLA so the requested change is unnecessary if the respondent's aim is simply to protect the area from development. The SG will contain a more detailed mapped boundary within which the policy will apply. One is not supplied within the Plan because the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) who have joined with the Council in drafting an early draft of the SG, have yet to define an exact boundary of the groundwater catchment of the Loch. The Council accepts that an exact boundary is needed for the policy to be workable for development management purposes.

- The Council would support the first clarification suggested by Scottish Water should the Reporters see fit to recommend it. However, Croy waste water treatment plant does lie within the groundwater catchment of the Loch but discharges its treated effluent to a watercourse outwith it and is not therefore part of the existing problem but could provide part of the solution if its sewered area and capacity is expanded.
- Support for policy noted and welcomed.

Reporter's conclusions:

Cathy Stafford (00511)

1. I note the council's comment that the proposed change to paragraph 3.8 is disproportionate to the level of development pressure expected within the ground water catchment of Loch Flemington. It is also disproportionate to the level of detail expected in a local development plan, which should read fluently without undue material that is readily available elsewhere and would be expected to be taken into account in any development proposals. The designation of the loch as site of special scientific interest is an example in this particular case.
2. That said I agree with the council that it would be appropriate for some of the detail to be included in the supplementary guidance, where there is greater flexibility for specific information to be included. It will also be subject to public consultation. Policy 5 provides a sound development plan framework for the preparation of the guidance. I understand, however, the concern about effluent that may arise from soil disturbance within the catchment, which is not specifically referred to in the proposed plan. This could be dealt with by minor modifications to sub-paragraph 2 of the policy.
3. The council also accepts that an accurate map showing the boundary of the catchment should be included with the guidance. I see from the comments that such a map is not yet available. The indication of the catchment as shown on map 5 is appropriate, as this is diagrammatic, but I accept that a detailed boundary should be included in the guidance. This does not require a specific comment in the proposed plan.
4. No further modifications are required in relation to this issue.

Scottish Water (00396)

5. The council has accepted the proposed modification to paragraph 3.8. I agree with this as it provides a more specific description of the causes of the effluent.
6. The reference in sub-paragraph 3 of policy 5 to the potential connection to mains sewerage facilities should remain as it is not a specific requirement, but one of three potential options. I accept the council's point that circumstances could change in the

future. No further modification is required.

Reporter's recommendations:

It is recommended that:

1. In sub-paragraph 2 of policy 5, after the word 'sewage' insert the words "or other", and after 'development' insert "including any soil disturbance,". Sub-paragraph 2 now reads:

"To ensure no increase in phosphorous discharge within sewage or other effluent entering the loch and originating from development, including any soil disturbance, within the catchment.

2. In the second sentence of paragraph 3.8 on page 22 of the proposed plan delete 'originating from development in the surrounding area' and replace with "from individual private waste water treatment arrangements in the vicinity of the loch." The second sentence now reads:

"At present the water quality in the Loch is poor due to the level of sewage effluent entering the loch from individual private waste water treatment arrangements in the vicinity of the loch."

Note: In the proposed plan paragraph 3.10 is wrongly numbered 3.8. This, and the following paragraphs to the end of the section should be re-numbered.

Issue 9	Strategy for Growth Areas: Chapter 3	
Development plan reference:	Chapter 3 (Paras. 3.1-3.20, Pages 19-27)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Knockbain Community Council (00303) Dr Donald Boyd & Westhill Community Council (00324) Nairn West Community Council (00365) Highland Small Communities Housing Trust (00430) C Stafford (00511) Brian Stewart (00993) Wm Morton Gillespie (01010) Friends of the Earth Inverness (01208) Scotia Homes, Barratt East Scotland & Robertson Homes (01310) Neil Hornsby, Highlands & Islands Green Party (01923)</p>	<p>Hugh MacKay (04053) Brian Lynch (04085) Alistair de Joux (04261) Highlands & Islands Enterprise (04280) F&C REIT Asset Management (04407) IABP Ltd (04410) Moray Estates Development Company Ltd (04412) Homes for Scotland (04448) Scottish Council for Development & Industry (04485) Andrew Currie (04493) Tain & Easter Ross Civic Trust (04361)</p>	
Provision of the development plan to which the issue relates:	Chapter 3 Strategy for Growth	
Planning authority's summary of the representation(s):		
<p>Hugh MacKay (04053) - Seeks road/traffic improvements because: there will be a possible increase of 1,500 to the annual average daily flow on the B9009/B9091/B9006 caused by developments at Cawdor and Croy; this increased flow will exceed the capacity of these routes; at peak time Inshes Roundabout exceeds its design capacity with existing flow; other routes are already becoming rat runs such as the old A9 Drumossie Brae and Milton of Leys distributor; the opening of the UHI Campus will increase traffic and exacerbate these current pinch points; other pressure will be added from Nairn; housing in the countryside developments and from expansion at Sunnyside; A96 to SDR flows increase congestion over Inshes Roundabout and should be accommodated in a different way; West Link will only increase congestion at Inshes Roundabout, and; rural (particularly elderly) residents should be able to access City facilities and cheaper grocery prices quickly and easily and not be hampered by congestion (because they don't have active travel options and alternatives to private car travel are impracticable).</p> <p>Seeks a more sustainable Plan strategy because: too much development is promoted across (scarce within Highland) good agricultural land, which is vital to local production of food which minimises unnecessary travel and energy consumption; more marginal agricultural land is available and should be built on; the footprint of new development can be minimised - e.g. on alignment widening of the A96; lack of evidence of demand for additional jobs, people and facilities along the Inverness - Nairn Corridor; major industrial employment should go to Nigg and Invergordon which both have deep water ports, and;</p>		

imported foodstuffs where necessary should come by smaller containerised ships to local ports not by long distance road or rail from major ports.

Brian Stewart (00993) - Seeks amendments for the following reasons. Para 3.1: because the housing figures need to distinguish between Inverness, Tornagrain, and other locations in the A96 Corridor, and to clarify the adjustments (eg windfall, backlog etc); bullet 4 deletion because the “engine” assumption, just like “trickle-down” theory, is dubious and unproven and an inappropriate basis for regional development planning. Para 3.2: because the importance of tourism to the local economy is unquestionable, and likely to grow and development must therefore take full account of this. Para 3.2 (final sentence): deletion because unproven, unprovable, unjustified and unnecessary. Para 3.5: [first bullet] because allocating land does not 'create jobs', commercial investment and business expansion provide jobs. Para 3.5 [second bullet]: because extensive allocation for housing will degrade the “attractive environment” which is assumed to be the principal reason for housing demand. A balance thus has to be struck, and the scale of housing limited to ensure that the effect on that environment is not disproportionate or detrimental. Para 3.6: the additional bullet proposed is self explanatory and reflects the need for development to be balanced with respect for the existing natural environment. Para 3.7: the proposed amendment is self-explanatory. Para 3.8: also self-explanatory and designed to ensure an appropriate balance between development and environmental priorities.

Brian Lynch (04085) - Seeks more details of how when and where new employment will be created because; without these jobs the projected housing growth is excessive and may do irreversible harm; the public may believe the Council's vision if there is more justification for the envisaged employment growth; the figures are optimistic given the UK economy is still in recovery; major employers will not make a formal commitment to the Highlands with doubts about independence; North Sea investment and employment has peaked and is declining; Nigg will be assembling not manufacturing; air routes to Inverness are declining; existing job vacancies are poorly paid; the job forecasts are unrealistic; increased dependence on service sector jobs is not healthy for the long term future of the Highland economy, and; construction jobs are transient.

C Stafford (00511) - Objects to West Link reference because: a local housebuilder believes the road is unnecessary to activate its housing land at Ness-side; regional and national policy states Inverness' long term growth should be in the A96 Growth Corridor; the new UHI campus at Beechwood would provide a better (more accessible to new development areas) location for any sports hub than Torvean which is adjacent to existing facilities; new facilities should be located to maximise their active travel accessibility not new roads built to compensate for them being put in inaccessible locations; new leisure facilities should be mainstream not specialist, and; active travel accessible facilities and new housing built close to them will attract people with families to Inverness and reduce emissions. Requests stronger rail halt reference because: it is vital to the success of the Council's vision for expansion in the A96 Corridor; Council accepts its importance in its transport modelling report listing it as a planned intervention necessary to mitigate against development pressures, including pressures on the Raigmore Interchange and the A96 itself; report envisages that the halt will be operational by 2021; rail halt at Dalcross was accepted by the STPR, and; large planning permissions for development in the A96 Corridor have already been granted and this development is predicated around the infrastructure improvements to the A96, the rail line and the building of a rail halt at Dalcross.

Dr Donald Boyd and Westhill Community Council (00324) - Seeks an additional road access to the Campus because it would: improve road safety on the A9 (southbound) carriageway; relieve traffic congestion; improve the entrance to the University of the Highlands for buses, distant travellers and commuters and visually to its most prestigious building; not need to be from the A9 carriageway itself but from an extension of the Raigmore Interchange to A9 slip road, and; relieve pressure on the already congested Raigmore Interchange. Seeks a specific provision for a Beechwood / Inverness Rail Shuttle and Halt because the case for this facility is strong, and growing stronger, particularly with the recent planning application for student accommodation at Rose Street, Inverness.

Neil Hornsby, Highlands & Islands Green Party (01923) - Seeks change of strategy to direct growth to established centres rather than large greenfield allocations because: Plan has started to recognise that consolidation is more desirable and practicable than rapid expansion in the A96 Corridor; the East Inverness and Tornagrain developments will displace growth that could otherwise be accommodated in established settlements in the rest of Highland; the established parts of Inverness are crying out for investment; west Moray settlements and Nairn could accommodate the housing that would otherwise be built at East Inverness and this would help rejuvenate settlements badly affected by defence spending cuts; of irreversible loss of good farmland and greenspace, and; need to retain green lung spaces between settlements.

Highlands & Islands Enterprise (04280) - Welcomes Plan's growth strategy but suggests some amendments because: the Inner Moray Firth is the most populous of the eight HIE operating areas and is the key economic driver for the Highlands and Islands; sufficient, well located sites must be allocated and safeguarded from competing uses for the key growth sectors of Energy, Sustainable Tourism, Life Sciences, Finance and Business Services, Food and Drink, Universities and Creative Industries; these sites must be free of major constraints in terms of access, flooding or contamination because these place the Highlands at a competitive disadvantage in attracting inward investment; the Inverness to Nairn and Ross-shire Growth Areas are suitably located but should contain more detail of the timing of developments to give the document more weight as a marketing proposal for the area to present to inward investors looking for confidence in the region; for example Inverness Airport Business Park/Tornagrain has a possibly unique set of attributes as a masterplanned business park with airside access, permitted rail halt and an SSCI exemplar new community co-ordinated in one place; similarly the Nigg and Whiteness sites feature prominently in the National Renewables Infrastructure Plan (N-RIP) as two of only four sites in Scotland suitable for integrated manufacture of offshore wind turbines, based on the sites' physical attributes; the Inverness Campus project's role as a key economic and regeneration driver and how it relates to other potential development sites in the East Inverness and A96 Corridor should be reaffirmed; the major industrial land allocations at Delny and Highland Deephaven should be included in the East Ross Growth Corridor rather than tucked away in the Invergordon and Evanton sections respectively; there are no specific proposals for the Delny site and therefore the notes on oil spill contingency and ballast water transfer should not be included; the Plan should support an update of the Inner Moray Firth Ports and Sites Review, and; housing allocations are well located to accommodate the expected future workforce.

Wm Morton Gillespie (01010) - Seeks significant reduction in Nairn's housing requirements and allocations because: growth and the Plan should be employment not housing led (evidenced by the expansion of Nairn to provide housing following the establishment of the McDermott's construction yard in 1972); without local employment

there will be an increase in commuting and therefore an increased adverse environmental impact; inadequate existing road infrastructure to accommodate a further 1,900 houses and consequently any future development will be constrained by the provision and timing of a Nairn by-pass and the upgrading of the A96 trunk road; the Plan states that the allocated new town at Tornagrain “has the potential to meet the medium to long term housing requirement for the area stretching from Inverness to Nairn” and therefore no medium to long term housing land is required in Nairn, and; long term completion rates are a better indication of realistic demand and fluctuations in the housing market.

Highland Small Communities Housing Trust (00430) - Seeks a more flexible policy approach to affordable housing developments because allocated sites within settlements are not always available in terms of ownership and communities should have their housing needs met locally (assumed).

Alistair de Joux (04261) - Seeks more emphasis on sustainable travel because the Plan is a vital mechanism for promoting and ensuring the sustainability of future development in a pivotal part of the Highland Council area and beyond.

Knockbain Community Council (00303) - Knockbain Community Council seek amendment to para 3.19 because: The original policy (undefined) was not to have any brown tourist signs advertising this route in order to avoid tourist buses coming through Munloch; there is still a voluntary ban on lorries carrying timber coming through the village, and; the school bus to Fortrose Academy has had to use the route via Tore since a double decker bus ended up in a field at Bogallan. Para 3.20 because: the main issue for cyclists and walkers en route from North Kessock to Cromarty using current paths and roads is the route between the Munloch War Memorial (near Littleburn Bridge and Munloch Church.

Alistair de Joux (04261) - Seeks enhanced references in regard to sustainability because: the Plan should promote sustainability; the major employment sites such as Whiteness should be linked to the urban housing areas by A96 Corridor cycle path / network proposal to promote active travel; developer contributions should be sought for cycle infrastructure as well as paths, public transport and roads, and; Policy 4 should allow the option of sustainable waste water solutions such as artificial wetlands and use of waste water in growing biomass provided they enhance or are neutral in terms of the quality of the water environment.

Nairn West Community Council (00365) - Seeks additional and suitable Plan references to walking and cycling paths that access the wider countryside and coastal fringe because: the general requirements to promote modal shift (in transport) and access to the environment (for recreation/amenity) are identified at all levels of national and local planning; the delivery/completion of the Inverness-Nairn Coastal Path is specifically highlighted in NPF3, linking the Loch Ness Way with the existing Moray Firth Coastal trail; it is also included in the Highland Council's Green network plans associated with the A96 Corridor Framework [00365/Strategy for Growth Areas/1]; these other policies should be cross referenced; a more explicit timetabled reference will help with delivery, and; the delivery of these paths should not be dependent upon other housing or industrial development and should be funded separately by the Council.

Neil Hornsby, Highlands & Islands Green Party (01923) - Welcomes some transport provisions of Plan but requests more specific active travel content because: Council has sole or lead responsibility for some issues not covered; over-emphasis on road schemes, and; not in keeping with Council's Carbon Clever agenda.

Moray Estates Development Company Ltd (04412) - Seeks explicit Plan reference to Dalcross rail halt because it is a vital element of the infrastructure provision required to support development in the Inverness to Nairn Growth Corridor, it already has a planning permission, and the Plan should recognise and reinforce its status within the identified timeframe of 2014-2019.

IABP Ltd (04410) - Seeks additional Plan content to prioritise employment land at Inverness Airport Business Park (IABP) because it: has longstanding support and allocation in Highland Council's development plans as a strategic employment site; is widely recognised as one of the key drivers for the A96 Growth Corridor; will make a major contribution to attracting inward investment to the region; will benefit the economic prosperity of existing and future generations in Inverness and the Highlands; has already been subject to a comprehensive, sustainable masterplanning approach of the highest design quality which will optimise integration with nearby developments including expansion of the Airport and the proposed new town of Tornagrain; provides an opportunity to create a multi-modal transport gateway to the Highland region, combining road, rail and air, and; is an important catalyst for growth at the airport.

Homes for Scotland (04448) - Seeks more Plan detail on developer contributions towards infrastructure because: present Plan content insufficient to inform landowners and developers what infrastructure may be needed and at what cost to them and when; Plan does not use work previously carried out on costing infrastructure for the A96 Corridor; Scottish Planning Policy and local plan inquiry outcomes suggest that development plans should contain sufficient information on developer contributions required to make developers' proposals acceptable in planning terms (Midlothian Council was required by the Reporter there to produce further information on infrastructure requirements prior to adoption of the Plan, East Ayrshire Council was required by the Reporters to include more detail in the Plan itself or in accompanying settlement statements); Supplementary Guidance should only provide details of how contributions would be calculated, secured and paid; "may be required" doesn't even indicate whether a contribution is required or not; developers need to carry out a meaningful financial appraisal of a site before considering its purchase; lack of certainty inhibits the effectiveness of sites, and; the Reporter amended East Ayrshire Local Plan is a model of policy wording for this topic.

Andrew Currie (04493) - Disputes Plan's growth assumptions and strategy because: growth should be new jobs not new housing led; employment and the best employees will be attracted if Highland's environment is protected and promoted; existing Highland residents will have their quality of life reduced by an influx of people if they don't have suitable employment, and; the Plan offers insufficient protection of Highland's built and natural heritage and this heritage may be prejudiced by excessive growth.

Friends of the Earth Inverness (01208) - Seeks more sustainability focused Plan content because: local food production will reduce unnecessary travel; there are thousands of empty homes in Highland and this existing resource should be utilised ahead of greenfield sites, and; co-housing will engender a better sense of community and local co-operation. Provide web links to Empty Homes Scottish Government Government report and to wikipedia definition of co-housing.

Scottish Council for Development & Industry (04485) - Requests more Plan emphasis on delivery of Inverness to Nairn Growth Area because: the A96 corridor offers the greatest opportunity to meet the region's population growth and to provide the space needed to attract new and expand existing businesses; upgrading the A96 and enhancing the rail

connectivity between Inverness and Aberdeen is key to the success of this growth area; Inverness Airport Business Park and a new town at Tornagrain offers a major opportunity to meet population and business growth needs; a new station at Dalcross will offer real integration into the rail network helping to promote modal shift as growth is realised; the Inverness East Link needs a clear timetable for delivery to unlock the development land around it; the completion of the canal and river crossing will unblock the city centre and allow better travel flow around Inverness. Supports Ross-Shire Growth Area as an industrial heart of the Highland economy and efforts to bring brownfield land back into productive use.

Highlights the need for clarity on the route of the A96 and supports a new station at Dalcross.

IABP Ltd (04410) - Seeks explicit Plan support for Dalcross rail halt because: it is a vital element of the infrastructure provision required in the Inverness to Nairn Growth Corridor; the rail halt and park and ride already have planning permission, and; the Plan should recognise this status and reinforce the commitment to their delivery within the identified timeframe of 2014-2019. Seeks mapped reference to Dalcross rail halt because it is a key element of the planned infrastructure upgrades for the Inverness to Nairn Growth Area and other road and rail improvements are shown on Map 1.

Moray Estates Development Company Ltd (04412) - Seeks mapped reference to Dalcross rail halt because it: is a key element of the planned infrastructure upgrades for the Inverness to Nairn Growth Area; benefits from full planning permission, and; has a commitment from Government for its delivery during the Plan period.

Scotia Homes, Barratt East Scotland & Robertson Homes (01310) - Supports paragraphs 3.1, 3.2, 3.5 and 3.6 because they emphasise that the Nairn South expansion site is compliant with the Plan's vision and strategy in terms of being within the Inverness to Nairn Growth Area, in an attractive environment, close to where facilities already exist, and safeguards greenspace and green networks.

Dr Donald Boyd & Westhill Community Council (00324) - Objects to principle of an East Link road because: no business case justification for it in trunk or local roads terms; Transport Scotland have conceded that there was little traffic travelling between the A96 and the A9 (South); the proposed West link will not create additional for an East Link; any form of link road will cut a swathe through the area earmarked for the proposed East Inverness District Park in the Plan; it will also unnecessarily confine the already restricted Beechwood campus and its potential for expansion, and; Transport Scotland should redirect its investment to more needed projects such as the upgrade of the Raigmore Interchange.

F&C REIT Asset Management (04407) - Welcomes Plan's promotion of investment in infrastructure because Inverness is remote in relation to the other cities of Scotland and requires significant investment to keep it competitive.

Tain & Easter Ross Civic Trust (04361) - Supports Plan proposals for Fearn Aerodrome, the Fendom, and the Seaboard Villages.

Modifications sought by those submitting representations:

Hugh MacKay (04053) - Plan requirements for traffic management/carriageway improvements on the B9009/B9091/B9006 including Inshes Roundabout.
Plan strategy changes to safeguard better agricultural land to encourage local food production and to minimise transportation of foodstuffs by road.

Brian Stewart (00993) - Para 3.1: amend 18,350 figure to give breakdown by location; delete fourth bullet; fifth bullet, delete “accessible”, insert “an appropriate range of”; second sentence, after 'assets,' delete “and by improving” and insert “preserving and promoting the unique natural environment and recreational amenities, and prioritising tourism as the key driver of the local economy. Appropriate development will improve residents...etc”. Para 3.2: delete final sentence. Para 3.5: delete 'jobs', insert “investment” or “enterprises”; in second bullet, insert “Limited” before “allocations”. Para 3.6: add second bullet “Proactive policies to protect and preserve existing natural environmental assets including open spaces, coastline and beaches, recreational amenities, and viewpoints/vistas”. Para 3.7: add new penultimate sentence: “A Nairn-Inverness Coastal path, and substantial expansion of the cycle route-network throughout the IMF area, is required to promote active travel, to encourage modal shift, and to offer improved amenities to residents and visitors”. Para 3.8: delete “There are proposals for” and insert “Throughout the area, protection of wild land, coastal environments and beaches, and riversides will be given priority equal to, or greater than....”

Brian Lynch (04085) - More Plan content to explain and justify how new jobs will be created specifically how many jobs, of what type and when they will be created.

C Stafford (00511) - Deletion of sentence in paragraph 3.7, “The West Link, which will join the Southern Distributor road to the A82, is required to relieve traffic congestion in the city centre and open up land allocated for development”. Also, amendment of last sentence of para. 3.7 to read: ‘A rail halt at Dalcross is a key component of the infrastructure required to facilitate any significant expansion in the A96 Corridor.’

Dr Donald Boyd & Westhill Community Council (00324) - A Plan requirement for an additional road access to the Inverness UHI Campus at Beechwood within para 3.7 and allocation IN80. A Plan requirement for a Beechwood/Inverness Rail Shuttle and Halt within allocation IN80.

Neil Hornsby, Highlands & Islands Green Party (01923) - Change of strategy to remove all significant greenfield sites such as East Inverness and Tornagrain.

Highlands & Islands Enterprise (04280) - Confirmation that all allocated employment sites are effective and safeguarded from competing uses particularly housing. More detail on key employment sites (see summary).

Wm Morton Gillespie (01010) - Reduction in Nairn’s housing requirements to align with long term past completion rates and to reflect that Nairn’s medium and long term housing requirements will be met at Tornagrain. Insertion of Plan proviso that any housing development should be dependent upon increased local employment.

Highland Small Communities Housing Trust (00430) - Affordable housing developments should be treated as an exception to the Hinterland policy and affordable development

sites outwith settlements should be permissible if village alternatives are not effective for example at Tomatin (assumed).

Alistair de Joux (04261) - Transport Paragraph 2.20: add : "Improving both public transport and non-motorised transport networks (cycling and walking) can be of assistance in achieving the Plan's sustainable development objectives, alleviate congestion on those parts of the highways network close to or within cycling distance to the largest settlements provide, provide greater overall capacity within set funding constraints by diverting a proportion of private travel in those areas to more cheaply provided cycle and pedestrian paths, and in doing so possibly free up highways funding to improve road provision in more remote parts of Highland, where cycling and walking do not represent such a viable alternative in the more densely populated areas covered by this Plan." Paragraph 2.21: add at the end of the paragraph, after the seven bullet points, "Future projects could provide additional non-motorised transport infrastructure, for example: - dedicated cycle path provision as part of the A96 corridor improvements; - further dedicated cycle and walking path provision in and between settlements and urban extensions, particularly where these are for 50 dwellings or 100 new jobs or more." Alternatively, these two bullet points could be included as additional points within the main list of seven points, if these projects have already been identified.

Knockbain Community Council (00303) - Knockbain Community Council seek: para. 3.19 clarification that until the referenced improvements to the "Munlochy Junction" on the A9 are implemented that the brown tourist signs will be removed; and para. 3.20 the Core path reference should say between North Kessock and Avoch;

Alistair de Joux (04261) - Paragraph 3.2: Add as the penultimate sentence in this paragraph: "Development will have achieved high and even exemplary standards of sustainability, including a significant modal shift to more sustainable forms of transport and, where new settlement / urban extensions have been built, building design and layout are to the highest standards of sustainability."

Paragraph 3.7: Following the final sentence, add: "The Plan will promote and support the significant modal shift to more sustainable forms of transport that will include incorporating the Dalcross rail halt into evolving plans for Tornagrain, Inverness Airport and their surroundings, along with incorporation of cycle plans into the A96 corridor linking Inverness, Tornagrain, Nairn and beyond."

Policy 4: add into the first sentence, after (...Sewerage (Scotland) Act 1988): "... unless it is robustly and conclusively demonstrated that a more viable local alternative exists, such as connection to small scale and / or local treatment facilities, artificial wetlands or biomass growing."

Nairn West Community Council (00365) - An additional paragraph between or after paras. 3.7 and 3.8 which identifies the importance of, and the requirement for, creating and expanding a network of walking and cycling paths throughout the IMF area both as an integral part of transport infrastructure and as a recreational amenity. A priority within this is the delivery of the Coastal Path/Trail between Inverness and Nairn. A suitable additional paragraph on p48 and similarly on p63 or 64 setting out the strategy for creating a Coastal Path integrated with active travel and recreational amenity policies.

Neil Hornsby, Highlands & Islands Green Party (01923) - A dedicated cycle/footpath network programme, at least for the main population centres in the short term, and

allocation of funding for this programme. (Inverness) Park and Ride scheme to be introduced as soon as possible.

Moray Estates Development Company Ltd (04412) - Amend the final sentence of paragraph 3.7 as follows: "A new rail halt at Dalcross will serve Tornagrain, the Airport and adjacent Business Park. It is programmed within the 2014-2019 period." Amend Map 5 to indicate the permitted Park and Ride at Dalcross.

IABP Ltd (04410) - Add two bullet points to Section 3.5 as follows: "Prioritise and support the delivery of IABP as the key employment allocation within the Inverness-Nairn growth area" and "New office, industry and warehousing development should be located in the designated employment areas, unless it can be demonstrated that insufficient employment land is available."

Homes for Scotland (04448) - Inclusion of appropriate and comprehensive policy on developer contributions to state: "Where a development, either on its own or in association with other developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. Contributions will relate to the development concerned, including in nature, scale and kind. Contributions sought under this policy will be waived or reduced only in exceptional circumstances – for example, where a developer demonstrates that there are exceptional costs or where viability is threatened, where a development would bring particular economic, social or environmental benefits or where it constitutes enabling development. In addition, developers will require to meet the costs of providing the site servicing infrastructure necessary for their development." Inclusion of site specific details of infrastructure requirements. Inclusion of costed infrastructure requirements within the Action Programme.

Andrew Currie (04493) - A reduced scale of growth (assumed). Quality of life enhancements such as remote from carriageway, safe, active travel routes and built heritage features should be mapped.

Friends of the Earth Inverness (01208) - Plan content amended to re-set development priorities to: favour re-use of empty houses and buildings; protect prime farm land; allow all local communities to have access to allotments or similar community growing space, and; encourage communal housing schemes (shared facilities, management, priorities etc.).

Scottish Council for Development & Industry (04485) - Firmer, early timetabling for A96 dualling, rail enhancements, West Link and East Link. More clarity on the A96 improvements route.

IABP Ltd (04410) - Amend the final sentence of paragraph 3.7 as follows: "A new rail halt at Dalcross will serve Tornagrain, the Airport and adjacent Business Park." Amend Map 5 to indicate the permitted Park and Ride at Dalcross. Update Map 1 to show the proposed rail halt at Dalcross.

Moray Estates Development Company Ltd (04412) - Update Map 1 to show the proposed rail halt at Dalcross.

Scotia Homes, Barratt East Scotland & Robertson Homes (01310) - None – comment of support.

Dr Donald Boyd & Westhill Community Council (00324) - Deletion of all Plan references to an “East Link” road connecting the A9 with the A96 (Inverness to Nairn Growth Area Para 3.7; IN80; IN82; IN83) and replaced with “proposals for improving the roundabout at Raigmore Interchange for A96 to A9 traffic”.

F&C REIT Asset Management (04407) - None – comment of support.

Tain & Easter Ross Civic Trust (04361) - None – comment of support.

Summary of responses (including reasons) by planning authority:

- It is not a Plan priority to offer good private car accessibility between rural residents and higher order City retail facilities that can offer cheaper grocery prices. Such accessibility would promote unnecessary travel. Many people choose to live in small rural villages but accept the downside of a rural lifestyle which is often poorer accessibility to higher order infrastructure and commercial/community facilities. Online ordering of groceries can offer reduced prices and travel. Notwithstanding the above, the Council and Transport Scotland are progressing schemes for the respective local and trunk road networks east of the City of Inverness. These will include Council improvements to Inshes Roundabout and related routes and Transport Scotland dualling of the A96 and its connection to the A9 at Inshes. Once completed, these will improve the respondent’s accessibility to the City’s facilities. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- See General Comments and Vision and Strategy Schedules 4s regarding the growth projections, unavoidable loss of agricultural land, the Plan’s strategy of concentrating the majority of development on mixed use allocations within settlements and the Council’s support for allotments for local food production. More marginal agricultural land often has other constraints such as poorer ground conditions, poorer microclimate, remoteness from settlements, distance from facilities and infrastructure and landscape sensitivity. For example, the moorland surrounding Inverness is not suitable for development because of a combination of altitude, gradient, crofting interests, landscape prominence, woodland cover, built heritage constraints (e.g. Culloden Battlefield), inadequate infrastructure capacity and distance from existing facilities. It is understood that the Scottish Government has committed to a 200m “on existing alignment “ dualling corridor for the A9 and may do the same for the A96 but this matter is outwith the Council’s and Plan’s control. The Plan promotes and allocates for major employment growth at Nigg and Invergordon with associated housing allocations within the Ross-shire Growth Area. Although the concept of food miles and their carbon impact is an important issue, it is outwith the Plan’s scope to enforce a modal shift in freight traffic from road to sea. The Plan supports the expansion of all of the area’s ports for harbour related activity and increased freight use of the Caledonian Canal. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- Scottish Government guidance requires planning authorities to analyse housing supply and demand at housing market area level. Sub area and settlement level population projections and housing requirements are more unreliable because there are more assumptions required and variables at those levels. See also the Guiding and

Delivering Schedule 4. The Plan's strategy is a reaffirmation of that already tested through the Highland wide Local Development Plan (HwLDP) process including its Examination. The A96 growth corridor concept has also been supported, in principle, within successive national planning frameworks and has multi public agency support. Agencies such as Scottish Water and Transport Scotland are directing their capital programmes to facilitate its growth. Although important, the tourism sector offers employment that is seasonal in nature and can fluctuate markedly with up and down turns in national economies and foreign currency exchange rates. It would not be prudent to set a Plan strategy with an overriding priority of environmental protection. Highland is neither just a retirement home for migrants nor just an outdoor, recreational playground for tourists. The Council accepts that allocating, servicing and safeguarding employment land in locations with competitive advantage and complementary housing land where new employees will want to live, is only one part of attracting new jobs but as much as the Plan can achieve. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.

- Predicting the future of the Scottish and UK economies is very uncertain and therefore the Plan's strategy should not be based upon such predictions. Instead the Plan should do all it can to promote Highland and in particular the Inner Moray Firth and make sure that there are no unreasonable constraints to employment growth should it materialise. As stated above, this means allocating, servicing and safeguarding the right sites in the right locations for the right uses. The Council believes it has done that. The Inverness to Nairn and Ross-shire Growth Areas are where existing employers are expanding, where new employers wish to locate, where new employees wish to live, where accessibility to markets and facilities is greatest, where public agencies are directing their capital programme investment, and where physical and environmental constraints are fewer than elsewhere in Highland. If the employment growth does not materialise then most of the housing growth will not either. There is no significant downside to allocating a generous supply of both employment and housing land. Indeed there is an upside of, other things being equal, land prices being lower and choice greater. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- See Inverness Schedule 4s regarding the West Link road scheme and sports hub proposals at Beechwood and Torvean. The scheme has a full planning permission and the two sports hubs planning permission in principle. West Link's primary purpose is to increase the efficiency of cross City movements. It will allow the completion of the City's peripheral, long allocated neighbourhoods without an unacceptable increase in radial and City Centre congestion. It will also improve active travel and other accessibility to existing and proposed recreational facilities at Torvean and the Bught. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- The Dalcross Rail Halt is mentioned 3 times within the Plan, within the strategy and within the Tornagrain and Croy settlement sections. It has also been granted a previous planning permission. However, the Council would be content if the Reporters were to recommend additional Plan references to it.
- The campus benefits from a planning permission that details its road access arrangements and these are part complete and part under construction. However, Transport Scotland will announce in May 2014, its proposals to improve A9 to A96 connectivity which will include measures that will assist in improving connectivity to the campus and relieve congestion on the surrounding trunk road network. The Beechwood to Inverness City Centre rail shuttle will lengthen longer distance commuter journey times on the Kingussie route and would therefore be detrimental to

its relative modal shift attractiveness. Similarly, a rail halt for Beechwood which already has an active travel connection to the City Centre being improved via the completed “Golden Bridge” over the A9 and proposed Millburn cycleway (plus a regular bus service) will not offer any significant modal shift advantage. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.

- The Plan’s strategy does concentrate the majority of new development within settlement boundaries. Town and village “cramming” would be an inappropriate strategy in that those living in central areas still need accessibility to green and other open spaces. Regeneration sites are allocated in many settlements subject to heritage and other constraints. Some development sites on the margins of existing settlements are inevitable if regeneration sites are limited and “cramming” is recognised as undesirable. Tornagrain is an exception to this strategy but will be a properly planned new settlement with an element of self containment and self sufficiency, lies close to the airport and its employment area, is close to the A96 trunk road improvement scheme, is close to a planned rail halt, and will accommodate and concentrate development pressure that would otherwise be dispersed to the surrounding countryside or other inappropriate locations. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- The support for the Plan’s strategy is noted and welcomed. Highlands and Islands Enterprise’s (HIE) comments accord with the Council’s approach and justification. Adding a more detailed timetable would not be appropriate without more certainty over project timescales. Update of the Plan’s accompanying Action Programme would be a more suitable avenue for providing such a timetable when key dates are known. The Plan is a statutory planning document not simply a marketing brochure. The Delny site requirements are precautionary and may not be applicable. However, the Council would be content if the Reporters were to recommend additional Plan references as sought by HIE.
- See Council responses above in relation to a generous housing and employment land supply. See Nairn and Guiding and Delivering Schedule 4s in terms of the adequacy of Nairn allocations. The Plan’s strategy, in line with the HwLDP and national planning framework, is to promote economic growth by providing the correct conditions for that growth. A strategy of simply projecting forward past trends may not help achieve this growth.
- The desire of affordable housing agencies to have their developments treated as an exception to normal planning policy is not supported other than the housing in the countryside policy exception that already exists within the HwLDP. Even this exception is tempered to the degree that registered social landlords must undertake a sequential testing of sites to prove that (a) suitable site(s) are not available within the adjoining settlement(s). Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- Reduction of unnecessary private car borne travel is integral to the Plan’s strategy and the type, size and location of its allocations. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- The Munlochy A9 junction is a Transport Scotland responsibility but is recognised by the Council and Plan as a pressure point. The number and capacity of Black Isle development allocations has been set relatively low (compared to the Plan’s 2 growth areas) because of the Isle’s limited road capacity and other constraints. Tourist route definition and signage is outwith the Plan’s remit. Paragraphs 3.18 to 3.20 do not attempt to list every necessary improvement just the major ones. The Council accepts that the Littleburn/Littlemill bridge section has width and alignment issues but its

improvement presents technical and financial challenges and some argue that it provides a traffic calming feature close to the village entrance. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.

- See above and Vision and Spatial Strategy Schedule 4 in terms of the Plan's promotion of sustainable development and the challenges in creating a network of rural commuter cycle routes. The dualling of the A96 may create an opportunity to use sections of the "old road" as a cycleway. Moreover, the surrounding B and unclassified roads should continue to be lightly trafficked and will continue to offer a network of on-road routes. Seeking developer contributions toward creation of a dispersed new network rather than resolution of a specific (often existing) constraint created (or made worse) by a particular development, is problematic. The Council and Plan cannot and should not dictate the method of sewage treatment to Scottish Water. The standard of the treated effluent is a material planning consideration and the odour and other impacts of any chosen method but not the method itself. These matters are the domain of the Scottish Environment Protection Agency (SEPA) and Scottish Government who oversee other aspects of Scottish Water's environmental performance. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- The Plan includes active travel issues and measures where relevant to the management of new development – i.e. where developer contributions may reasonably be sought and where new routes and connections to existing routes may be necessary. Wider, measures are incorporated within the Green Networks Supplementary Guidance, the Council's Core Path Plans, Sustrans national cycle route plans and other agency material. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- See above regarding Dalcross Rail Halt and the Council's acquiescence to a bolstered reference should the Reporters see fit to recommend such.
- See Inverness Airport Business Park Schedule 4 for suggested enhancement of reference to airport in line with national development status within the latest National Planning Framework. The Council accepts all the arguments made by the respondent. However, this site should not be prioritised ahead of other employment allocations. Hopefully, its competitive locational advantages will make it a primary search area for employers.
- The Council's suite of Supplementary Guidance provides very detailed guidance (including financial sums payable) on relevant issues. Together these provide an adequate framework for developers to calculate what their "liabilities" may be for any given quantum of development in any particular location. The Council also offers an award winning major applications pre-application advice service that can offer more detailed advice on likely developer contributions when a developer has firmed up on what it wishes to propose and where. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- See above and Vision and Spatial Strategy Schedule 4 regarding growth assumptions. The Council believes the Plan, other guidance and legislation provide sufficient protection of the area's heritage. With current (and likely future) public finance restrictions affecting the number of affordable housing units constructed a significant influx of unemployed people is unlikely. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.
- See above and Vision and Spatial Strategy Schedule 4 regarding local food production, sustainability and brownfield ahead of greenfield sites. Homes can be vacant for several reasons such as natural turnover of the stock, owner's attitudes and

poor condition. Not all of these can be resolved by the Council and its Plan. The Council's HwLDP, the Plan and related suite of Supplementary Guidance contain policies supportive of infill, refurbishment and redevelopment of vacant or underutilised land and property. Communal housing is more about how people co-operate and organise themselves rather than a "top-down" allocation of land. If a subsidised land price is sought then co-housing groups should make their case to the relevant housing agencies to access the 25% of all housing sites that must be safeguarded for affordable provision. Accordingly, the Council believes that the Plan should be retained without modification in respect of this comment.

- The support for the Plan's Growth Areas is welcomed and noted. Transport Scotland is due to announce plans for A9 to A96 connectivity improvements in May 2014.
- Scottish Ministers are due to announce a chosen route for the A96 improvement by the end of 2014. Support for Dalcross Station noted and welcomed.
- See above re Dalcross Station. The Council would support further Plan reference(s) to it should the Reporters see fit to recommend such.
- See Nairn Schedule 4 regarding the town's expansion areas.
- Transport Scotland's announcement in May 2014 will look at different solutions to those previously proposed in easing trunk road network congestion on the east side of Inverness. However, it is understood that these will neither require any fundamental re-think of the Plan's strategy nor its allocations.
- The stated support for the Plan's investment in infrastructure is noted and welcomed.
- Support for Plan proposals for Fearn Aerodrome, the Fendom, and the Seaboard Villages is noted and welcomed.

Reporter's conclusions:

Roads/traffic

1. The level of growth promoted by the proposed plan will clearly have significant traffic implications. Transport Scotland and the council recognise that traffic congestion issues exist in the Inshes area, including at Culloden Road and the Inshes Roundabout. A number of major initiatives are underway which have or will consider these issues and may be expected to go some way towards meeting increased transport demand in a suitable and cost effective way. These initiatives include the West Link, linking the Southern Distributor Road with the A82, the dualling of the A96, the A9/A96 Connections Study, and the Inshes Junction Improvements project. All these initiatives appear to be progressing in a way that takes account of development proposals in the wider Inverness area. In conclusion it is clear that the council is taking some action to address the traffic impacts of the development promoted in the proposed plan, and I have not seen any compelling evidence to demonstrate that this action will be insufficient to provide a workable solution.

2. The West Link road scheme now has planning permission, and the principle of a road link in this broad location was established in the Inverness Local Plan and the Highland-wide Local Development Plan. The evidence before me does not indicate that there have been any changes in circumstance of such significance as to warrant revisiting the principle of this scheme. Given that this is a major proposal of city-wide importance, I consider it appropriate to retain the reference to it in paragraph 3.7 of the plan.

3. In response to a further information request, Transport Scotland confirmed that it intends to announce a preferred route for the 'East Link', connecting the A9 at Inshes and

the A96 at Smithton, in 2015. It is therefore reasonably certain that this scheme will materialise at some point, though it may yet be subject to a public inquiry in due course. However, given this status I am content that it is appropriate to retain the reference to the scheme in paragraph 3.7 of the plan.

4. With the exception of the West Link, the timing of the major road infrastructure schemes in the Inverness to Nairn Growth Area is largely controlled by Transport Scotland. It would not therefore be appropriate to include text in the plan committing the council to a particular timescale for the delivery of these schemes. The up-to-date position with regard to these matters can be included in the action programme.

5. Detailed traffic management and parking measures are a matter primarily for the council's transportation service, which I would not expect to see covered in detail in the local development plan unless closely associated with particular development proposals.

6. Wider suggestions about alternative methods of shipping goods are beyond the scope of the plan and this examination.

7. The location of brown tourist signs is not a matter covered by the planning system, and road width/ alignment issues in Munlochy are more appropriately addressed by the council as roads authority than through the local development plan.

Rail

8. The Dalcross station/interchange features as one of the listed major transport projects at paragraph 2.21 of the proposed plan, as part of the strategy for the Inverness to Nairn Growth Area at paragraph 3.3, and is already shown on map 5. It is identified on page 36 of the adopted Highland-wide local development plan. The interchange is clearly a reasonably significant component of the council's spatial strategy for this part of the plan area. However the reference to the 'potential' for a rail halt at Dalcross in paragraph 3.7 is somewhat weaker than references in some other parts of the plan, where the rail halt is described as a 'proposal'. While it is not clear to me that the rail halt is necessarily essential in order for development in this area to proceed successfully, a proposal is a firmer statement of positive intent than merely referring to a potential. I consider it appropriate to be consistent through the plan, and to describe the rail halt as a 'proposal'. I therefore recommend a modification accordingly. In doing so I note that, just like a housing proposal, this does not convey any certainty of delivery.

Active travel

9. Several representees comment on a perceived lack of focus on sustainability and active travel in the strategy sections of the plan. Paragraph 270 of Scottish Planning Policy identifies the policy principles that should underpin sustainable transport, including reducing the need to travel, providing safe and convenient opportunities for walking and cycling and enabling the integration of transport modes. Paragraph 273 states that plans should identify active travel networks and promote sustainable travel modes in the following order of priority: walking, cycling, public transport, cars. However, chapter 3 of the proposed plan appears to give greater emphasis to road and rail proposals than to active travel, particularly in the Inverness to Nairn Growth Area.

10. It is likely to be the case that a number of road infrastructure schemes will need to be delivered in order for the development aspirations of the plan to be fulfilled. However it is

equally the case that development will be unsuccessful if it is not linked into an effective and attractive active travel network. The council appears to have proposals to link its major growth areas by enhanced walking and cycle routes, some of which are described in their response above and others highlighted by representees. However these are not described in the proposed plan, in contrast to its road and rail proposals. I consider the delivery of these routes to be integral to the success of the A96 growth corridor, and therefore wholly relevant to the content of the plan. The impression must not be given that active travel is a lower priority than motorised modes.

11. I therefore consider it appropriate to recommend additional text to the Inverness to Nairn growth area strategy section of the plan in order to go some way towards redressing the balance between transport modes. However I consider that this is an area that the council could usefully include more detail on, as part of their wider green network proposals, in the next iteration of the plan.

12. I have not considered it appropriate to pick out the coastal path in the text of the plan as this appears to be just one of a number of proposals and opportunities in the corridor.

13. The fifth bullet of paragraph 3.1 of the proposed plan includes a statement that services and facilities should be accessible. This statement is acceptable and no reasons for the suggested change (to refer to the range of services) have been offered by the representee. I conclude that no change is required.

Agricultural Land

14. Paragraph 80 of Scottish Planning Policy maintains the longstanding national policy to resist development on prime agricultural land except where this is essential. Much land in the Inner Moray Firth area is of prime agricultural quality, and some of this is allocated for development in the proposed plan. The need for, and overall level of, this development has largely been agreed through the Highland-wide Local Development Plan process. The principle of many of the individual sites has also been accepted through the Highland-wide plan or in earlier local plans. Where new sites are identified in the Inner Moray Firth plan, and agricultural land is a significant issue that has been raised in representations, this is discussed under the relevant issue. But in general I accept the position of the council that a demonstrable need for development can justify losses of prime land where there are no alternatives, or alternative sites have other serious shortcomings. However I would expect the council to consider agricultural land quality as an important component of any site selection process.

15. Regarding sustainable food production more generally, I note that the plan identifies a number of sites suitable for new allotments, including sites IN26, IN56 and IN87. Overall, while I am sympathetic to the concerns raised by representees regarding sustainable food production, I do not believe these justify wholesale changes to the strategy of the plan.

Distribution and volume of growth

16. The principle of developing significant areas of land in the A96 corridor, including at Tornagrain and Ashton Farm, was established through the adoption of the Highland-wide Local Development Plan. Because the Highland-wide plan is not a strategic development plan, there is no legal requirement for the Inner Moray Firth plan to be consistent with it. Therefore it would have been possible for the council to have revisited the principle of

some of the allocations made in the Highland-wide plan through the Inner Moray Firth plan preparation process. However the council's clear intention is that the Highland-wide plan should act as an overarching strategy document with the area local development plans providing mainly site specific detail.

17. Section 16(3) of the Town and Country Planning (Scotland) Act 1997 (as amended) allows for different local development plans to be prepared for different purposes for the same area of land. The two-tier pattern of local development plan coverage that Highland Council have chosen to adopt is a unique approach in Scotland, but one that can perhaps be justified given the unusually large size of Highland Council's area.

18. Once issues have been debated and resolved through one local development plan process, it would not serve either the certainty or the democratic accountability that the planning system aims to deliver for these decisions to be revisited within a short time frame through the subsequent examination of another complementary plan covering the same area. I am therefore content to proceed on the basis that overarching strategic matters, including the most significant land allocations properly fell to be resolved through the Highland-wide Local Development Plan process. I further conclude that in the context of this current examination it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. In reaching this conclusion I am mindful that the Highland-wide plan was adopted in April 2012 and so may be regarded as being up-to-date with regard to most matters.

19. Morton Gillespie is concerned about the imbalance between housing growth and employment provision in Nairn. Housing land requirements are discussed at Issue 2, but the overall allocation of growth to Nairn was largely established in the Highland-wide Local Development Plan. Specific allocations in Nairn are discussed at Issue 19. However, I agree with the representee that it is usually good planning practice to seek to identify housing sites close to employment locations. In this context, looking beyond Nairn itself, I note the major business and industry allocations relatively nearby at Whiteness and Inverness Airport Business Park. Overall I therefore consider that there is a reasonable balance between business and employment allocations in the eastern part of the Inverness to Nairn growth area.

20. The housing numbers in the plan are further explained in paragraphs 2.10 and 2.11, and individual site capacities are given in chapter 4. There is therefore no need to provide such a break-down in paragraph 3.1.

21. In the context of this aspirational section of the plan, the reference in paragraph 3.2 to growth in the Inverness to Nairn corridor dispersing benefits more widely is acceptable. This sentence describes what the council hopes will happen and will work to achieve, and so remains relevant even if such benefits have not been demonstrable in the past.

22. It would not be appropriate to alter the second bullet of paragraph 3.5 to refer to 'limited' allocations of land, as some of the allocations made in the plan (many of which have been established in earlier plans, such as Tornagrain) are quite large scale.

Employment

23. Regarding how well the proposed plan's expectations of significant employment growth are justified, I note that paragraphs 4.18 to 4.21 of the proposed plan give a fair

amount of detail on the locations and sectors where growth is hoped to occur. For instance references are made to life sciences and to offshore renewables. Paragraph 101 of Scottish Planning Policy requires local development plans to allocate a range of sites for business, though this should be informed by relevant economic strategies. Overall I accept the council's argument that the main role of the development plan in this area is to ensure that a range of attractive, suitable and effective sites are available. It is for other economic strategies to provide the main focus on the particular sectors where there is potential for growth and on the range of levers for delivering that growth.

24. Highlands and Islands Enterprise's general impression that poorer quality land has been identified for economic as opposed to housing uses is not supported by detailed evidence or examples, and I therefore decline to make any modifications relating to this point. It also seeks more detail on the timing of development, but I consider that it would be difficult and potentially misleading to attempt to predict the delivery times of the proposals in a plan that is intended to remain in place and relevant for some years. I agree with the council that the action programme is a better vehicle for carrying detailed programming information.

25. There are various other plan amendments sought by Highlands and Islands Enterprise with which the council is content. I agree that the additional narrative on the Nigg site would provide useful further context for this development within the plan, and accordingly I recommend a suitable modification. I consider the importance of Inverness Campus is already adequately highlighted at paragraph 3.1 of the proposed plan. Regarding Whiteness, suitable references to the National Renewables Infrastructure Plan already exist at paragraph 4.21 of the proposed plan, and no further change is required.

26. Regarding Delny, this 150 hectare industrial proposal is of a significant scale but is effectively located at Invergordon, which already features prominently in the text of the proposed plan as a centre for economic development opportunities. The Highland Deephaven proposal already features in the introductory and strategy paragraphs of the Ross-shire part of the Strategy chapter of the plan (paragraphs 3.9, 3.11 and 3.13), and in the introduction to the Ross-shire growth area section (paragraph 4.24). I therefore consider that no further references to these proposals are required.

27. Regarding Inverness Airport Business Park, this is clearly a highly significant economic development location. In response to a further information request, the council suggested the inclusion of some additional text to highlight its national importance. With some small additions this addition is supported by the representee. I see no reason not to support these changes, and recommend a modification accordingly.

28. The description of Inverness in paragraph 3.1 as the 'engine' of the wider Highland economy is acceptable in this visionary and strategic part of the plan looking ahead to 2031.

29. Paragraph 3.2 already refers to the Inverness to Nairn growth corridor becoming a better place to visit. Paragraph 4.20 is devoted to tourism. In the light of this, further references to tourism in paragraph 3.2, though they would not have been out-of-place, are not essential.

30. I agree that allocations of land do not in themselves directly provide jobs, as implied by paragraph 3.5. But the meaning of the sentence, regarding where employment land should be located, is clear. No modification is required.

Developer Contributions/Delivery

31. Regarding developer contributions, Circular 6/2013: Development Planning states that the items for which developer contributions will be sought, and the circumstances where they will be sought, should be set out in local development plans and not only in supplementary guidance. Circular 3/2012: Planning Obligations and Good Neighbour Agreements also states that broad principles, including items for which contributions will be sought and the occasions when they will be sought should be set out in the local development plan.

32. In Highland, the headline policy on developer contributions is included in the Highland-wide Local Development Plan, as Policy 31. This policy includes such provisions as contributions only being sought where development creates a need for services, facilities or infrastructure; contributions being fair and reasonable and proportionate to the scale and kind of the development; and a flexibility in approach in difficult economic circumstances. The supporting text to this policy provides a list of potential items where the council may seek developer contributions, which appears to include the main common uses for this mechanism, together with a broad indication of how need will be assessed. While this policy is not the subject of this examination, it would appear to contain most of the features that Homes for Scotland seeks.

33. Given the two-tier approach to local development planning in Highland, it would be unnecessary and confusing to include separate policies on the same topic in both the Highland-wide and Inner Moray Firth plans. I therefore conclude that there is no need to insert such a policy into the Inner Moray Firth plan.

34. Regarding contributions towards cycle infrastructure, developer contributions are covered by Policy 31 of the Highland-wide Local Development Plan. The supporting text to this policy mentions transportation as an example of where contributions may be sought, but does not single out cycling or any other particular mode. I consider this is an appropriate level of detail for a local development plan to enter into. Further detail is provided in supplementary guidance. No modification to the proposed plan is required.

Affordable Housing

35. Regarding the call for affordable housing providers to have greater flexibility to develop on unallocated sites, I consider this concern is largely addressed by Policy 35 of the Highland-wide Local Development Plan. This allows for affordable housing development in the countryside provided this is required to meet a demonstrable local need. I therefore conclude no change is required to the proposed plan.

36. I agree that efforts to get more empty homes into use are important, and that achieving this should lessen the need to build new houses in the future. However most of the tools available, such as tax and housing policy, fall outwith the scope of the planning system. Co-housing can be a valuable form of tenure for some people, and is likely to fall within the definition of affordable housing given in Scottish Planning Policy. The policies in the Highland-wide Local Development Plan that support affordable housing, and the allocations of suitable sites in the Inner Moray Firth plan should therefore provide an opportunity for groups wishing to pursue a co-housing project to access suitable land.

Miscellaneous

37. The environmental concepts conveyed by Brian Stewart's suggested addition to paragraph 3.6, while including more detail, are largely already covered by the existing wording. While some aspects such as views are not currently included, this is intended to be a brief strategic section of the plan. More detailed policies on environmental protection are contained in the Highland-wide Local Development Plan.

38. Andrew Currie believes the plan should place greater emphasis on quality of life issues. The proposed plan needs to be read in conjunction with the adopted Highland-wide Local Development Plan, which contains many of the environmental protection and placemaking policies that should serve to secure and safeguard quality in the built and natural environment. The Inner Moray Firth plan is intended to be more focussed on the local area and deal with site specifics. I agree that a sense of creating a quality living environment in the new developments promoted by the plan does not emerge very strongly from the strategy for growth areas contained in chapter 3. However a wholesale recasting of this part of the plan to focus on placemaking and quality of life would be a major undertaking that is not practical within the confines of this examination. On balance I am content that the references that do exist, for instance to the green network, are adequate enough for no modification to be required.

39. The introduction of text relating to environmental protection is not necessary in paragraph 3.8 because the purpose of this paragraph is to describe the strategy for recreational provision.

40. Comments relating to Policy 4 (Water and Waste Water Infrastructure) are dealt with under Issue 7.

Reporter's recommendations:

It is recommended that:

1. A new sentence be added after the first sentence of paragraph 4.24 to read: "Nigg features in the National Renewables Infrastructure Plan as one of only four sites in Scotland suitable for integrated manufacture of offshore wind turbines."
2. The 6th bullet of paragraph 3.1 be amended to read: "Significant investment in major infrastructure including West Link and improvement of the A9, A96 and active travel network."
3. An additional bullet be added at the end of paragraph 3.3 to read: "An improved active travel network."
4. The final sentence of paragraph 3.7 be amended to read: "In support of a significant modal shift to more sustainable forms of transport, a rail halt is proposed at Dalcross to serve Tornagrain, the Airport and adjacent Business Park, and cycle and walking routes will be incorporated into the development of the Growth Area."
5. The words "A masterplan for ..." be deleted from the start of paragraph 4.19, and replaced with: "National Planning Framework 3 has identified the need for strategic airport enhancement at Inverness Airport as a national development priority. This supports the

Council's strategy for growth and improved connectivity in the Inverness to Nairn area as well as the wider Plan area. The potential for growth of Inverness Airport has also been enhanced by the emerging developments at the adjacent Inverness Airport Business Park. A masterplan for this key strategic employment site, which encompasses ...".

Issue 10	City of Inverness General and Central	
Development plan reference:	(Paras. 4.1-4.4, Pages 29-30) and (Paras. 4.5-4.8, Pages 35-38)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sport Scotland (02087) Dr Donald Boyd, Westhill Community Council (00324) Highland & Islands Green Party (00491) Scottish Environment Protection Agency (SEPA) (00523) Scottish Prison Service (00662) Roger Reed (00965) Inverness Harbour Trust (01196) Friends of the Earth Inverness (01208) Muirtown Community Council (01612) Chrissie Lacey (01716) Ian Carus (02037) Defence Infrastructure Organisation (03156) Forbes Fraser (04021) Robert Preece (04054)</p>	<p>Scottish Wildlife Trust (04180) Cromarty Firth Port Authority (04218) James Alexander (04249) Maggie Dove (04262) Inverness College (04320) Lochardil & Drummond Community Council (04353) Social Housing Providers in Highland (04381) Scottish Futures Trust (04386) F&C REIT Asset Management (04407) Scottish Provincial Press Ltd (04416) Soudley Research (04444) Virginia Macnaughton (04457) Scottish Council for Development & Industry (04485)</p>	
Provision of the development plan to which the issue relates:	Inverness general, cross City issues, Central Inverness urban district	
Planning authority's summary of the representation(s):		
<p><u>City General</u></p> <p>Sport Scotland (02087) - There is a significant amount of new development proposed in the Plan and therefore it should take account of the results of the Inverness pitches review.</p> <p><u>Central Inverness General</u></p> <p>Dr Donald Boyd, Westhill Community Council (00324) - Objects to the Longman area in general and the former landfill area in particular being allocated for industrial uses and in particular for waste management uses because: of lack of public consultation on this issue; no business case is supplied to justify the need for such uses; adverse visual and landscape impact on coastal seaboard as the Longman area is central to all gateway approach views to Inverness; the land would better provide a public links; adverse visual impact on views from proposed Inverness-Nairn Coast Trail long distance footpath, and; of potential safety risks from landfill gas emissions.</p> <p>Highlands Small Communities Housing Trust (04381) - Seeks new housing allocation at</p>		

Carnac Crescent, Craigton Avenue and at Capel Inch because they would provide additional opportunities to develop housing and contribute to regeneration of this area of the City and would also provide for a greater level of passive surveillance of the Nature Reserve.

F&C REIT Asset Management (04407) - Supports Plan's city centre content because: it will help achieve a consolidated and vibrant City; it emphasises the use of brownfield land and vacant buildings, and; it supports diversification of uses and enhancement of civic spaces.

Scottish Council for Development & Industry (04485) - Supports Plan's role in allocating sites for the relocation of public sector developments such as the prison, courts and council headquarters.

Chrissie Lacey (01716) - Requests new allocation because it would: enable an improved architectural design of the railway station entrance; provide a green, civic space; provide greater public parking; retain retail floorspace, and; suitable one way vehicular access can be provided.

IN2 Porterfield Prison

James Alexander (04249) - Opposes nature of current allocation because: housing numbers are an overdevelopment of the site; inadequate capacity of local access roads and other utilities; of adverse impact on neighbours amenity; of the need for more public open space in this part of the City, and; of the precedent a poorly designed development would have in this historic core of Inverness within the expanded Conservation Area.

Virginia Macnaughton (04457) - Requests additional developer requirements because: expert conservation architect input required on materials, form of development and its compatibility with the conservation area; adjoining gardens are an important characteristic of the conservation area, and; sandstone in walls would be a valuable and rare source of local stone to repair buildings within the conservation area.

Scottish Prison Service (00662) - Supports re-use of existing prison site for housing because: it complies with Council's development strategy for Central Inverness; re-use of brownfield site; potentially surplus site; will aid regeneration; will encourage efficient relocation of existing use, and; turnover of sites healthy and will allow the City to diversify its role and adapt to changing market trends and opportunities. However requests no specific housing capacity because: developer requirement for masterplanning approach sufficient and an appropriate figure will evolve through that process once all site specific matters are understood and addressed; happy to work with Council to produce a masterplan for the site; housing types should be left flexible to respond to need and demand, and; historic value of prison accepted but formal listing inappropriate as this may affect viability of regeneration.

IN3 Hedgefield House

Forbes Fraser (04021) - Requests set-back of new development from Sunnybank property boundaries because this would safeguard neighbour amenity and adjoining woodland. Not objecting in principle to development or to 40 unit density.

Robert Preece (04054) - Opposes current capacity and developer requirements because:

the proposed density would most likely mean the loss of existing woodland; inadequate junction (visibility/safety issues) with and capacity of Culduthel Road; junction incapable of adequate improvement; Muirfield Road access would require major improvement, and; of adverse impact on site's historical significance as a war memorial and hostel.

IN4 Land at Inverness College

Scottish Futures Trust (04386) - Requests addition of retail uses because: the Council's approved planning policies supports retail uses as part of a mix in this Longman core area; the site will soon become surplus and available for redevelopment; the site sits within the Inverness City Centre boundary as defined within the Proposed Plan and the corresponding Policy 1 encourages retail and other uses within this area; several other central Inverness sites specifically reference retail uses as acceptable, and; the option of retail use would allow greater flexibility in terms of marketing the site and achieving relocation and beneficial redevelopment.

Inverness College (04320) - Requests addition of retail uses because: the Council's approved planning policies supports retail uses as part of a mix in this Longman core area; the site will soon become surplus and available for redevelopment; the site sits within the Inverness City Centre boundary as defined within the Proposed Plan and the corresponding Policy 1 encourages retail and other uses within this area; several other central Inverness sites specifically reference retail uses as acceptable, and; the option of retail use would allow greater flexibility in terms of marketing the site and achieving relocation and beneficial redevelopment.

IN6 Bridge St

James Alexander (04249) - Opposes any development, redevelopment or refurbishment of Town House because of its historical and townscape significance.

IN7 Cameron Barracks

Defence Infrastructure Organisation (03156) - Notes and welcomes flexibility of mixed use allocation. Acknowledges site's constraints and developer requirements. Clarifies that in the next 5 years the site will not be surplus in terms of its current, primary, training centre role. Longer term its release will be dependent upon a wider MOD review.

Lochardil & Drummond Community Council (04353) - Opposes scale of development envisaged because: of historic significance of barracks that may be compromised; the importance of the grass parade square to the setting of the listed buildings, and; of the loss of a tourist attraction.

IN8 Former Longman Landfill

Scottish Prison Service (00662) - Supports allocation but suggests the list of acceptable uses be modified and expanded to include "Class 8A Secure residential institutions" because: the site is a leading candidate to accommodate the new HMP Highland prison; initial work has demonstrated the feasibility of the site for a prison and further work is ongoing; the site achieves a set-back from existing residential areas; good public transport and other connections are available or could be created; the allocation already supports non-residential institutions; a specific use class is available for prison use; the site's development would remediate / contain contamination and bring such land back into

beneficial use in line with the Plan's strategy; prison use is compatible with the other uses proposed in the Plan; the Scottish Prison Service agrees with a masterplanning and placemaking approach to the site, and; the prison will be a significant investment in the Inverness area in terms of employment and construction activity.

Soudley Research (04444) - Requests widening of acceptable uses mix because: site will be more commercially viable; remediation will happen sooner (within the Plan period); it will create a more attractive waterfront, and; such uses would be more compatible with proposed adjoining uses.

Roger Reed (00965) - Objects to any built development on sites IN13 and IN8 because: the area is currently attractive greenspace at a key visual gateway to the City; it could be used as a public links; of the adverse visual impact of industrial development; suitable alternative sites exist for the uses proposed, and; inadequate road network capacity.

IN9 Land to South and East of Inverness Harbour Marina

SEPA (00523) - Objects to allocation unless evidence in the form of a flood risk assessment is supplied prior to the allocation's confirmation within the development plan. The results of this assessment must demonstrate the site's conformity with Scottish Planning Policy.

Scottish Provincial Press Ltd (04416) - Objects to principle of development on allocation because: of adverse impact on existing businesses at this location; of lack of integration with existing uses; insufficient detail on phasing and floorspaces of units to be permitted; of adverse noise and air pollution and impact of industrial uses on neighbouring occupiers; inadequate local road capacity particularly for industrial vehicles; of adverse visual impact at this important waterfront location; of the need for and uncertainty of land reclamation; it was not preferred at Main Issues Report stage for good environmental reasons, and; the economic significance of existing businesses and what a harmful impact on them would mean for the local economy.

F&C REIT Asset Management (04407) - Requests amendment to footnote because this would ensure that the City Centre continues to receive the protection it requires.

Inverness Harbour Trust (01196) - Objects to existing allocation because: it does not reflect the long term economic potential of the harbour and adjoining waterfront; Architecture and Design Scotland and the local community are generally supportive of the Trust's proposals; it does not allow the masterplanning of this wider area; it does not promote the development of the harbour as a regional transport gateway; the constrained site boundary does not allow for the efficient reconfiguration and expansion of the harbour and the potential for cruise liner berthing / trade and hotel/marina based tourism; a larger site would allow urban scale mixed uses and a vibrant place which in turn would attract other investment; the larger site has unique characteristics in terms of its size, waterfront location and proximity to the city centre; the larger proposal has explicit support in the Inner Moray Firth Major Ports and Sites Strategy 2006 and implicit support in the Highland wide Local Development Plan; a larger, critical mass proposal will draw in further investment and uplift local land values making further development more viable; only half of the Inverness Harbour Trust's estate is allocated hampering the overall viability of their proposal; no evidence is provided by the Council to prove adverse environmental effects and these should not be assumed; overall viability depends upon changing the industrial image of the area and creating a new vibrant high density waterfront quarter; a larger

proposal gives the opportunity to create a spectacular new cityscape; new and enhanced pedestrian connections can be created to link to the city centre and across the river via a pedestrian bridge because of the Trust's ownership; wider proposal not fully considered by Planning Committee; further feasibility and masterplanning work cannot be undertaken on a piecemeal basis; a larger development will be more likely to promote regeneration of the wider city in line with Council policy objectives including the multiply deprived South Kessock area which is adjacent; certainty is required to make long term investment decisions; the Trust already has wide ranging harbour authority powers; environmental compliance is subject to separate statutory tests and processes and should not therefore be used as a reason to negatively pre-judge the principle of a wider site; no evidence has been produced to reject the wider site in principle; it is not cost efficient to develop a seawall in phases; residential development is essential to the viability and critical mass of the proposed development; other UK towns and cities have successfully regenerated their waterfronts with commercial and residential uses; residential uses are more likely to be flats than family homes; safer routes to school could be created such as a river bridge to Merkinch, distances are no longer than in many other city neighbourhoods and many trips will be accompanied; the land use mix could include local community facilities and better public transport connections; the site has a unique competitive advantage of being close to a city centre, on a riverfront and seafront, and at a tourist gateway; Harbort Trust's previous submissions misrepresented; the future of the harbour is not as a conventional industrial port; the most recent significant phase of the harbour development has happened without adverse environmental impact; development would be outwith the HSE buffers; the Highland wide Local Development Plan promotes the principle of harbour expansion; the City should be reunited with its waterfront; self financing regeneration schemes depend upon uplifting land values with commercial and residential uses; land east of the Kessock Bridge is attractive to the cruise-ship sector and avoids the bridge pinch-point; the Trust can reinvest the proceeds from a successful commercial expansion into the development of port facilities which will also favour existing industrial users; Trust's proposals will create a place of high architectural quality; it complies with the Inverness City Vision, and; there will be close community involvement.

Scottish Council for Development & Industry (04485) - Believes there are opportunities for residential properties near to the Marina because it will better connect the area with the city centre and there are adequate industrial allocations elsewhere.

Cromarty Firth Port Authority (04218) - Object to the lack of information on the development of Inverness Marina/Waterfront.

IN13 Former Longman Landfill

Roger Reed (00965) - Objects to any built development on sites IN13 and IN8 because: the area is currently attractive greenspace at a key visual gateway to the City; it could be used as a public links; of the adverse visual impact of industrial development; suitable alternative sites exist for the uses proposed, and; inadequate road network capacity.

Scottish Wildlife Trust (04180) - Seeks retention of as much as possible of this natural space as a green area on the edge of the city. This would ameliorate any threat to the Inner Moray Firth SPA and Ramsar commitments mentioned in the Plan.

Highland & Islands Green Party (00491) - Opposes incinerator on site because: of fear over potential adverse health impact from emissions; availability of cleaner technology such as anaerobic digestion; Black Isle in path of prevailing wind blown pollution;

cumulative adverse impact when combined with Invergordon facility, and; of lack of consultation to date on proposal and need for prior public inquiry.

Ian Carus (02037) - Opposes incinerator on site because: of fear over potential adverse health impact from emissions; Black Isle in path of prevailing wind blown pollution, and; of lack of consultation to date on proposal and need for prior public inquiry.

Muirtown Community Council (01612) - Opposes energy from waste facility use for this site because: such facilities can malfunction; of adverse visual impact, and; of the availability of more suitable, visually enclosed alternatives closeby such as Daviot Quarry. Believes land is more suitable for a travelling persons site in preference to site IN25 (no reasons stated).

Maggie Dove (04262) - Opposes waste incinerator facility being provided anywhere in Plan area because: other more environmentally acceptable waste management solutions are available and may be undermined by incineration of part of the waste stream, and; of air pollution risks which could seriously impact on human health in a populous area of the Highlands.

Friends of the Earth Inverness (01208) - Seeks exclusion of incinerator as a waste facility option because: it would reduce the impetus to re-cycle and release pollutants such as dioxins, and; other more sustainable alternatives exist such as a landfill gas recovery facility and an anaerobic digester.

Soudley Research (04444) - Requests widening of acceptable uses mix because: site will be more commercially viable; remediation will happen sooner (within the Plan period); it will create a more attractive waterfront, and; such uses would be more compatible with proposed adjoining uses.

Modifications sought by those submitting representations:

City General

Sport Scotland (02087) - Amendments to take account of the results of the Inverness pitches review (unspecified).

Central Inverness General

Sites/Policies Not Previously Consulted On

Highlands Small Communities Housing Trust (04381) - New housing allocations on areas: north and west of Carnac Crescent between Carnac Crescent and the Merkinch Nature Reserve; area of former garden ground to the West of Craigton Avenue, and; of land between the River Ness and Anderson Street, Inverness known locally as The Capel Inch.

Dr Donald Boyd, Westhill Community Council (00324) - Exclusion of industrial use and in particular waste management facility use from all Longman allocations. A new Gateway Policy to safeguard the visual quality and ensure the wider planning of key arrival/departure points in Inverness and beyond. Public consultation on the future land use planning of these gateway sites/areas and the Longman landfill area in particular (assumed).

Chrissie Lacey (01716) - A new mixed use allocation encompassing Station Square and the premises currently occupied by Sports direct and TK Max. This site to have public greenspace within Station Square, car parking at ground floor level on the balance of the site and retail development above, and one way vehicular access between Academy Street and Strothers Lane.

IN2 Porterfield Prison

Virginia Macnaughton (04457) - Additional developer requirements: Council's conservation architect should agree Development Brief; no compulsory purchase to be used to acquire local garden ground for road widening; re-use of stone from walls surrounding prison;

Scottish Prison Service (00662) - Deletion of housing capacity figure. Deletion of housing suitable for the elderly reference.

James Alexander (04249) - Reduction in housing capacity and density of site, change to mixed use, greater proportion of public open space, creation of city square, and highest standard of townscape quality looking at linkages to adjoining development sites at Viewhill House, the Masonic Club and the associated car parks.

IN3 Hedgefield House

Forbes Fraser (04021) - Additional developer requirement to set built development back 30 metres from Sunnybank Road property boundaries and specific woodland safeguard for trees bordering Sunnybank Road (assumed).

Robert Preece (04054) - Reduction (undefined) of housing capacity of site and additional developer requirement to recognise need to safeguard and respect war memorial role of site and listed building.

IN4 Land at Inverness College

Inverness College (04320) - Addition of retail (food and non-food) to list of acceptable mix of land uses.

Scottish Futures Trust (04386) - Addition of retail (food and non-food) to list of acceptable mix of land uses.

IN6 Bridge St

James Alexander (04249) - Removal of Town House from allocation or explicit reference that its fabric will be unaltered in any way (assumed).

IN7 Cameron Barracks

Defence Infrastructure Organisation (03156) - Retention of flexible mixed use allocation but recognition that site not surplus to MOD requirements in short term (assumed).

Lochardil & Drummond Community Council (04353) - Reduction in scale of development. Additional developer requirement to safeguard grass parade square.

IN8 Former Longman Landfill

Scottish Prison Service (00662) - Addition to list of acceptable uses of “Class 8A Secure residential institutions”.

Roger Reed (00965) - Deletion of sites IN13 and IN8 and the land they cover safeguarded from development by a replacement, cherished greenspace notation (assumed).

Soudley Research (04444) - Addition of business, retail and tourism/leisure to acceptable mix of uses.

IN9 Land to South and East of Inverness Harbour Marina

SEPA (00523) - Deletion of allocation unless suitable evidence supplied.

Inverness Harbour Trust (01196) - Expanded harbour/waterfront allocation and more diverse mix of uses. Specifically, Plan to be amended as follows: Site: IN9 “Land at Inverness Waterfront; Area (ha): 29.0; Uses: tourism, retail, leisure, business, residential and harbour uses Requirements: scale, composition and extent of development to be determined by a masterplan to be informed by appropriate engineering, conservation, environmental and market evidence as required to satisfy statutory requirements”. City Proposals Map should be adjusted accordingly to enclose all Trust’s ownership. Corresponding changes to the Inverness to Nairn Growth Area “vision” and “strategy”, viz. at para. 3.1 (second bullet) add “Inverness waterfront”; and at para. 3.5 (a third bullet) add “allocations of land for new jobs and houses, including by transforming Inverness waterfront into a vibrant mixed-use urban quarter as a new place for living, work and leisure able to deliver strategic economic development”.

Scottish Council for Development & Industry (04485) - Housing should be added to mix of acceptable uses (assumed).

F&C REIT Asset Management (04407) - Amendment to footnote qualification last sentence to read “; For example, a dine-in restaurant would be acceptable, a bulky goods warehouse, large foodstore or high street retailer would not.”

Scottish Provincial Press Ltd (04416) - Removal of allocation from Plan.

Cromarty Firth Port Authority (04218) - Provision of more information for Nigg and Inverness Marina/Waterfront in line with those provided for other port developments.

IN13 Former Longman Landfill

Roger Reed (00965) - Deletion of sites IN13 and IN8 and the land they cover safeguarded from development by a replacement, cherished greenspace notation (assumed).

Soudley Research (04444) - Addition of business, retail and tourism/leisure to acceptable mix of uses.

Maggie Dove (04262) - Deletion of references to incineration or energy from waste as a possible or preferred method of waste management and a stated preference for more environmentally acceptable alternatives (assumed).

Muirtown Community Council (01612) - Deletion of reference to energy from waste and addition of use as travelling persons site.

Scottish Wildlife Trust (04180) - Seeks retention of as much as possible of this natural space as a green area on the edge of the city.

Highland & Islands Green Party (00491) - Deletion of energy from waste facility option for site.

Ian Carus (02037) - Deletion of energy from waste facility option for site (assumed).

Friends of the Earth Inverness (01208) - Clarification of energy from waste facility as 'energy from waste excluding incineration'.

Summary of responses (including reasons) by planning authority:

City General

The Inverness sports pitches review is relevant to particular larger allocations and in particular the 2 sports hub proposals at the Beechwood campus and Torvean. However, given this planned provision, there is no additional deficiency that requires a cross City strategy response. Accordingly, the Council believes the Plan should be retained without modification.

Central Inverness General

- Longman Landfill - see also IN8 and IN13 below. The site benefits from an adopted 2012 Highland wide Local Development Plan (HwLDP) allocation for uses similar to those proposed within the Plan [CD 1, Policy 5, Pages 28-29]. The HwLDP process involved several rounds of public consultation and its own Examination process [THC/IN CoIG&C General/1, Extract of HwLDP Report of Examination, Pages 17-22].
- The land comprises a former landfill site most of which is still licensed by the Scottish Environment Protection Agency (SEPA). The Council's (and SEPA's) approach is to seek to retain former waste management use sites as potential sites or at least search areas for future waste management facilities. The site's visual prominence is accepted but existing A9 and A96 mature roadside planting screens much of the site from these viewpoints. Much of the the licensed area of the site has residual landfill gas levels which preclude most forms of development and certainly preclude safe, unrestricted public access. However, the Plan promotes - longer term – the creation of a public links on the firth front, a bird watching nature reserve on land south east of the Mill Burn, and built development kept closer to the A9 where residual landfill gas levels are far lower. Accordingly, the Council believes the Plan should be retained without modification.
- The stated support for the Plan's approach to the City Centre and public sector offices relocation is noted and welcomed.

New Sites Previously Consulted On

These sites have been previously considered but were not favoured for positive and explicit housing allocations because of coastal (more frequent than 1 in 200 year) flood risk and loss of greenspace. However, land (comprising a 40m buffer strip) to the rear of

housing at South Kessock was excluded from the local nature reserve to allow for future access and other improvements. This land was therefore not safeguarded as cherished greenspace within the Plan. The greenspace and flood risk issues remain so it would not be prudent to allocate positively for housing development. Limited infill or rounding off potential may exist but should be tested as an exceptional departure from the development plan. Accordingly, the Council believes the Plan should be retained without modification.

New Sites Not Previously Consulted On

The suggested proposals have some planning merit (particularly in terms of potential affordable housing provision and creation of an enhanced civic space) but have been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues Report in 2012. The respondents did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should the identified needs become more pressing. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification.

IN2 Porterfield Prison

30 dwellings per hectare is a typical density for an edge of City Centre site and mirrors the density of the adjoining Hill neighbourhood and the intensity to which the existing prison site has been developed. There are no infrastructure capacity issues other than the local road network a solution to which must be assessed through the proposed supplementary guidance. However, widening of adjoining, narrow roads is feasible as is a connection to a one way section of Old Edinburgh Road. Neighbours' amenity is already compromised by high walls and the close proximity of a prison use and a net betterment is likely to result from the site's appropriate redevelopment. It may be possible to deliver an element of public open space within the site perhaps as a central garden but the site size is constrained. Built heritage issues are already referenced within the Plan's text and can be specified further through the proposed supplementary guidance. The owner's support is noted but the request for a more flexible (assumed increased) density would not be appropriate given the site's built heritage and access constraints. Accordingly, the Council believes the allocation should be retained without modification.

IN3 Hedgefield House

The planning permissions issued to date do not support any built development on the boundary with the Sunnybank Road properties because of the intervening mature woodland. A planning permission was issued in February 2014 [THC/IN3/1, Planning Permission Decision Notice & Plan] which details agreed access upgrades within the site and its connection to both Culduthel Road and Muirfield Road. Woodland loss has been minimised. The former war memorial garden area is undefined but thought to lie to the

front (west) of the main building and is not affected by the permitted development save a very minor incursion by extended parking.

IN4 Land at Inverness College

The HwLDP allocation that covers this site and a wider area makes explicit mention of retail use within the acceptable mix [CD 1, Policy 4, Page 27] and the City Centre boundary (identified under Policy 1 of the Plan) encloses the site. Therefore it would be appropriate to add retail to the list of acceptable uses should the Reporters be minded to recommend such a modification. However, the site should not be developed exclusively for retail development and it is not the Plan's role to finance the relocation of the college.

IN6 Bridge St

The City Centre Development Brief [THC/IN6/1] does not envisage any redevelopment of the Town House. Accordingly, the Council believes the allocation should be retained without modification.

IN7 Cameron Barracks

The owner's support for the Plan content is noted and welcomed. Despite the clarification that the site is not surplus in the short term it would still be prudent to retain the allocation given its scale and potential significance. The objector's concerns are addressed through existing Plan requirements. Accordingly, the Council believes the allocation should be retained without modification.

IN8 Former Longman Landfill

- The site benefits from an adopted 2012 Highland wide Local Development Plan (HwLDP) allocation for uses similar to those proposed within the Plan. The land comprises a former landfill site most of which is still licensed by the Scottish Environment Protection Agency (SEPA). The Council's (and SEPA's) approach is to seek to retain former waste management use sites as potential sites or at least search areas for future waste management facilities. The site's visual prominence is accepted although existing A9 and A96 mature roadside planting screens much of the site from these viewpoints. Much of the the licensed area of the site has residual landfill gas levels which preclude most forms of development and certainly preclude safe, unrestricted public access. However, the Plan promotes - longer term – the creation of a public links on the firth front, a bird watching nature reserve on land south east of the Mill Burn, and built development kept closer to the A9 where residual landfill gas levels are far lower. There is a dearth rather than a surplus of Class 5 industrial land and units within Inverness and the wider Plan area. Currently, the A9 / A82 junction does impose a constraint to any significant development proposal but Transport Scotland are scheduled (in May 2014) to announce plans for its upgrade to full grade separation. [THC/IN8/1: A9/A96 Connections Study].
- The Council notes and is supportive of the prison service proposal at this location provided it helps overcome constraints to the development of this site and the wider Longman landfill area.
- The other potential developer's request for an open ended commitment on uses would be inappropriate to the site's constraints and location.
- Accordingly, the Council would be content if the Reporters were to consider the

inclusion of Class 8A use and an additional developer requirement to seek a high standard of architectural design quality.

IN9 Land to South and East of Inverness Harbour Marina

- The Inverness Harbour Trust's expansion plans are supported to the degree that they are compatible with the wider public interest. The port's role as an employment and distribution centre is recognised and endorsed. Even the Trust's desire to diversify its use mix beyond harbour related functions is accepted but only to the degree that it does not prejudice a sensible pattern of land use and the environment. The Trust's request that all its foreshore landholding be allocated for an open-ended mix of future uses is unreasonable.
- There are too many environmental risks in "writing a blank cheque" for foreshore development in this area as evidenced by comments received from the statutory agencies and local groups at Main Issues Report and Proposed Plan stage. The following concerns are valid: flood risk; water quality impact; possible adverse impact on existing public access at Carnac Point; noise, vibration and sailing impacts on adjoining bird and dolphin interests; potential other species adverse impacts; proven connectivity between the land and European designations; impact on coastal processes; irreversible inter-tidal habitat loss; and impact on the existing sewage overflow outfall.
- The Plan now has a statutory 5 year cycle and the current site size represents a suitable 5 year supply of land for uses proposed by the Trust given the current property market and availability of allocated alternatives for the uses proposed. Flexibility on uses would be appropriate but excluding unrestricted Class 1 retail and housing accommodation suitable for school age occupants. The Trust is not promoting a genuine new City neighbourhood centred around a primary school and other facilities. As such, food supermarkets or other retail uses more appropriate to the City Centre, and housing that generates school age children wishing to walk to a distant school through a working harbour and industrial estate would not be appropriate. Conversely, a mix of leisure and tourist uses of high quality architectural design that gains a competitive advantage from a waterfront location – i.e. wouldn't normally be found in a conventional retail warehouse park – may be appropriate. Future development plans will consider favourably further allocations if this initial phase is seen as a success in regenerating the waterfront.
- Developer requirements address relevant issues including high quality architectural design. A more serpentine seaward boundary may be more appropriate both visually and in terms of a managed realignment of the inter-tidal area but this is best assessed at planning application stage. A flood risk assessment has been undertaken for the adjoining Longman landfill area and this should not be an insurmountable issue for the IN9 boundary given the small loss of flood storage compared to the volume of the wider firth.
- Objectors have exaggerated the visual, noise, air quality and traffic impacts on adjoining uses. This is an industrial estate and working harbour albeit the Council agrees that its seaward edge should be enhanced wherever possible. Transport Scotland will soon announce plans for the grade separated upgrade of the A9/A82 junction (see above).
- The constraints affecting the wider foreshore area do not justify a wider allocation even though the Council accepts this would give greater certainty to the Trust in masterplanning and seeking funding. The Council's approved development plan does not promote allocations that would change the role of this location from working

harbour and industrial estate to a “quayside urban neighbourhood or quarter”. Some expansion and use diversification is appropriate but not so it prejudices the City’s centre and its established residential neighbourhood structure. Although interesting, the costs of cruise liner berthing and a retractable river pedestrian bridge will be significant and may raise significant environmental and operational challenges. For example, attracting cruise liners would depend upon a new breakwater and dredging channels within the Inverness Firth with its multiple environmental designations and constraints.

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

IN13 Former Longman Landfill

The site benefits from an adopted 2012 Highland wide Local Development Plan (HwLDP) allocation for uses similar to those proposed within the Plan. The HwLDP process involved several rounds of public consultation and its own Examination process. The land comprises a former landfill site most of which is still licensed by the Scottish Environment Protection Agency (SEPA). The Council’s (and SEPA’s) approach is to seek to retain former waste management use sites as potential sites or at least search areas for future waste management facilities. The site’s visual prominence is accepted but existing A9 and A96 mature roadside planting screens much of the site from these viewpoints. Much of the the licensed area of the site has residual landfill gas levels which preclude most forms of development and certainly preclude safe, unrestricted public access. However, the Plan promotes - longer term – the creation of a public links on the firth front, a bird watching nature reserve on land south east of the Mill Burn, and built development kept closer to the A9 where residual landfill gas levels are far lower. There is a dearth rather than a surplus of Class 5 industrial land and units within Inverness and the wider Plan area. Currently, the A9/A82 junction does impose a constraint to any significant development proposal but Transport Scotland are scheduled (in May 2014) to announce plans for its upgrade to full grade separation. The Energy from Waste facility is not a firm proposal simply an optional use of part of the site. It may not be needed if an alternative is progressed at Invergordon or if the amount of residual landfill waste in Highland continues to fall to a level that is uneconomic to process locally. The other potential developer’s request for an open ended commitment on uses would be inappropriate to the site’s constraints and location. Accordingly, the Council believes the allocation should be retained without modification.

Reporter’s conclusions:

City General

1. SportsScotland’s comment relates to the timing of the completion of the Inverness pitches review. This document does not form part of the local development plan, and it is beyond the scope of this examination to make recommendations about the timing of its completion. While the pitches review is doubtless an important piece of work, I have not seen any evidence that its potential influence on the plan would be so significant as to warrant a delay to the plan’s adoption. No modification is therefore required.

Land at Carnac Crescent, Craigton Avenue and Capel Inch

2. A map of the land in this area that is being sought as new housing allocations was

submitted by the Highlands Small Communities Housing Trust following a further information request. The land north and west of Carnac Crescent is included within the Inverness settlement development area and not in any protective open space allocation. Development proposals may therefore be considered under Policy 34 of the Highland-wide Local Development Plan, which sets a reasonably supportive policy context, subject to compliance with other policies in the plan. However, due to the proximity of the local nature reserve, and the council's evidence that flood risk issues exist, it is not clear cut that housing development would be appropriate on this site. I therefore conclude that a positive housing allocation would not be appropriate. The potential suitability of parts of this land for development can be adequately considered through the development management policies of the Highland-wide plan.

3. The land between Craigton Avenue and Carnac Crescent is described by the representee as former garden ground, but appears to have a public open space function. As such the site provides a valuable amenity to the wider housing estate. The northern section would also be difficult to develop in a satisfactory manner due to its narrowness. While I accept that the site could provide an addition to the land supply for affordable housing, I have seen no evidence that the need for such development land is so strong as to outweigh the benefits to the amenity of the area of retaining this land as open space. I therefore support the allocation of this land as open space and conclude that no modification to the plan is required.

4. The land at Capel Inch is partially in use as a children's play area, and partially required for the construction of flood defence works. Following completion of these works, I consider that its reversion to greenspace would be a positive outcome given the relative lack of greenspace in this part of the city. The site also has value as one of the only areas of riverside greenspace in northern Inverness. For these reasons I support the allocation of this land as open space and conclude that no modification is required.

5. Note that these sites are actually located in West Inverness, but are dealt with here to be consistent with the schedule 4 forms as submitted by the Highland Council.

Station Square

6. The suggestion that the square in front of the main station entrance in Inverness could be relandscaped may have a great deal of merit. However the character of this plan does not lend itself to the discussion of detailed public realm improvements such as this. Such matters may be better covered in supplementary guidance or other council strategies. I therefore conclude that no modification to the plan is required.

IN2 Porterfield Prison

7. The suitability of the Porterfield Prison site for housing development following the relocation of the prison use is not disputed. Regarding the density of development, paragraph 2.12 of the proposed plan confirms that the capacities given for each site are intended to be indicative, and that a different capacity may ultimately prove acceptable subject to detailed design. I consider that the capacity figure gives a useful indication of the type of development that will emerge and the contribution the site is likely to make towards overall housing targets. A capacity figure has been included for every other housing allocation in the proposed plan. In these circumstances I consider that it would be inappropriate to omit such a figure for this site.

8. The council has set out its methodology for arriving at site capacities in its Housing Land Requirement Background Paper. I agree with the council that a density of 30 dwellings per hectare is appropriate for this central and accessible site. While this density may be slightly higher than nearby areas, it is not dramatically so, and would still allow for a terraced form of development as found in neighbouring streets.

9. The requirements for a masterplan/development brief and widened roads are already captured in the proposed plan. There is no indication that private garden ground would be required to achieve the latter. Reference is also made to the built heritage value of the existing buildings, but not to the need to ensure that any development integrates successfully with the surrounding area. I consider this to be an important matter given the site's location within a conservation area and close proximity to existing traditional buildings. I therefore recommend an additional reference be included in the plan to cover this aspect.

10. I do not interpret the requirement for the masterplan/ development brief to address accommodation suitable for the elderly as necessarily requiring all the housing to be suitable for the elderly. I consider that the requirements of the plan would be satisfied by a proportion of the accommodation being suitable for the elderly, but recommend a small modification to clarify this point.

IN3 Hedgefield House

11. The conversion of Hedgefield House and the development of some additional housing is not opposed in principle. A planning permission for the conversion of the listed building into nine flats exists and appears to be being implemented. I agree with the representee that achieving an overall capacity of 40 on the site may be challenging if mature trees are to be retained, the amenity of neighbouring property maintained, and the setting of Hedgefield House protected. However I have no evidence with which to propose any alternative capacity. Instead I recommend including some additional text in the requirements section for this site, in order to ensure that these matters are properly addressed, and also to address the need to protect the amenity of neighbouring property. A consequence of this may be that ultimately it will only be possible to develop fewer than 40 dwellings on this site.

12. The historical interest of the site as a former war memorial may well be a matter that could be a consideration in the design of the new development. However it appears that there are few physical remains illustrating this history, and so I am not convinced that any requirements relating to this matter need be included in the plan. The need for an improved access from Culduthel Road is already adequately covered in the proposed plan.

IN4 Land at Inverness College

13. Representees seek the addition of retail to the list of identified uses for this site. The proposed plan identifies the Inverness College building as falling within Inverness town centre. However the site is located some distance from the main retail frontages and shopping centres of the city centre. A walk of around 500 metres is required from the main part of the site to the nearest significant city centre retail activity. This walk includes using an underpass under the A82 and a long elevated section alongside this dual carriageway. For these reasons, retail development at the Inverness College site would appear unlikely to foster significant linked shopping trips with the rest of the city centre.

Rather, the location on the A82 might be expected to appeal to a car dependent form of retailing that could undermine, rather than support retail activity in the heart of the city centre.

14. Any proposal for retail use would fall to be determined against Policy 40-1 of the Highland-wide Local Development Plan. This requires new retail development in town centres to maintain or enhance the quality of the existing centre and consolidate traditional high streets. Despite the town centre location, it is not clear that retail development at the Inverness College site would necessarily conform with this policy. Indeed it appears to me that the site is better suited for other town centre uses, such as the business, community and leisure uses mentioned in the proposed plan. I therefore conclude that the list of uses for which the site is positively allocated should not be extended to include retail. Should any retail proposal emerge, this can be determined against the policies of the development plan.

IN6 Bridge Street

15. The representee questions whether the Town House building should be included within this allocation. The council confirms that no redevelopment of the Town House is envisaged. I consider that the inclusion of the Town House within the allocation is slightly misleading if no development of it is intended. While I appreciate that this matter is clarified in the Inverness City Centre Development Brief, which is referenced in the proposed plan, I nevertheless conclude that the clarity of the plan would be improved by removing the Town House building from allocation IN6. I consequently recommend this change.

IN7 Cameron Barracks

16. Lochardil and Drummond Community Council seeks explicit protection for the parade square within this complex. The proposed plan contains a requirement for the council to agree a masterplan/ development brief for the site. Thus the council would retain a significant level of control over the evolution of any design for new development at this site.

17. The masterplan/ development brief is to address impact on the listed building and its setting. It may well be that the parade ground will prove to be an important part of the setting for the listed building, given their clear relationship in functional and design terms. However the exact areas that need to be kept clear of development can be considered in detail through the masterplan/ development brief preparation process. In conclusion, I consider that the valid concerns of the representee can be adequately addressed through the masterplan/development brief process.

IN8/IN13 Former Longman Landfill

18. The Former Longman Landfill site was allocated in the adopted Highland-wide Local Development Plan for mixed use development. Policy 5 of that plan states that the council favours a range of uses including waste management including energy from waste, and commercial and industrial uses. The policy goes on to say that the potential for other uses including retail and residential will be examined.

19. At paragraphs 16 to 18 of my conclusions at Issue 9, I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide Local

Development Plan, unless circumstances have clearly and significantly changed. I have seen no strong evidence of any significant change in circumstance at the Former Longman Landfill site, with the possible exception of an increased likelihood of investment in improvements to the Longman road junction. I therefore treat the principle of redevelopment at this location, including for energy from waste development, as being established.

20. I understand that concerns exist about certain energy from waste processes. Insofar as these relate to health concerns, these can, to a significant degree, be addressed through regulatory regimes outside the planning system.

21. The Scottish Prison Service seeks the inclusion of reference to use class 8A, secure residential institutions, among the listed uses for allocation IN8. The proposed plan currently lists 'non-residential institutional' among the proposed uses, a description that would not appear to apply to prison development. However, in response to a further information request, the Service stated that "after detailed examination it is not considered that [the Longman] site will be taken any further forward for a potential HMP Highland".

22. It is apparent from the council's and the Scottish Prison Service's responses to further information requests that the Service's potential interest in developing a prison at the former Longman Landfill site has been in the public domain for some time. However this possibility has not been directly referenced in the development plan documents issued by the council for public consultation. Therefore the public's views have not been specifically sought about this possibility. In these circumstances I am reluctant to incorporate such a significant proposal in the plan at this late stage.

23. In any event, given the apparent fact that the Scottish Prison Service is no longer interested in developing a prison on this site, an allocation for this use at this location does not appear to be necessary. I therefore conclude that no change is required to the plan regarding this matter.

24. I note the call for the list of potential uses at this site to be extended to incorporate business, retail and tourism/leisure uses. Business is already listed in the proposed plan as an acceptable use for site IN8. Regarding retail and commercial leisure, this is an out-of-centre and potentially car-dependent location for such uses. I have seen no persuasive evidence, for instance regarding unmet demand, an absence of opportunities in existing centres, or sustainable transport options, that would lead me to conclude that this site should be allocated for retail or commercial leisure development.

25. The council has also demonstrated, in response to a further information request, that there is relatively little general industrial land available for development in Inverness. The IN13 site therefore forms an important part of the industrial land supply which would be undermined if competing uses were to be supported on the site.

26. Regarding concerns about the potential impact of development on natural heritage interests, I am content that these matters are adequately covered in the proposed plan. In particular I note the references to woodland retention and the avoidance of any adverse effect on the integrity of the Inner Moray Firth Special Protection Area and Ramsar site.

27. Regarding the suggestion that the site would be better utilised for travelling people, I note that the proposed plan already lists 'temporary stop site for travellers' among the identified uses for site IN8.

IN9 Land to South and East of Inverness Harbour Marina

28. Inverness Harbour Trust seeks an expanded allocation, involving the reclamation of additional areas of foreshore west of the River Ness, north-east of the existing marina, and west of Kessock Bridge. It also seeks the inclusion of residential among the proposed uses for the site. Conversely a number of concerns have been expressed about the current, more modest allocation in the proposed plan, including flood risk. The impact on habitats interests may also be expected to be a significant consideration given the proximity of international designations.

29. The Trust argues that their preferred expanded allocation (equating approximately to their landholding) would provide the scale and confidence regarding future potential to justify and secure investment. It would enable a comprehensive placemaking package to be designed, which would be preferable to an incremental sequential release of different land parcels in later local development plans. The Trust also argues that in practical terms it is necessary to construct a single sea wall enclosing the entire area of development potential rather than expecting the Trust to enclose individual development areas on a piecemeal basis.

30. The Trust can largely pursue its development aspirations for harbour related development by means of a harbour revision order, without the need for express planning permission. However planning permission would be required for non-harbour related development such as for retail, residential or other business uses. In any event, the local development plan should ideally describe the major development proposals in the plan area in order to give a rounded 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 local development plan.

31. In its response to a further information request, SEPA accepts that it is likely to be possible to address the risk of flooding to the site itself with significant landraising. Nor is SEPA concerned about the potential loss of flood plain storage, as this would be negligible in comparison to the volume of the sea. However SEPA is concerned to ensure that the development adjoins land which is outwith the functional flood plain so that safe access and egress is available. Another consideration is any watercourses or piped discharges at the shoreline which will be lost due to land gain.

32. Paragraph 88 of Scottish Planning Policy states that development plans should confirm that new development that would require new defences against ... coastal flooding (as must be the case here given that IN9 incorporates areas of existing foreshore) will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk. In this case I am satisfied that the requirement to expand the port operations at Inverness Harbour could constitute a sufficient justification for such a departure because it is likely that such expansion could only take place through additional land take. However it is not clear from the evidence presented to the examination how much new land would be required for port-related activity. Nor is it clear which part of the Trust's proposed allocation would be required for port operations as opposed to other commercial or residential development.

33. The case for a departure from national policy to allow non-port activity to be developed on reclaimed land is less clear. The concept of a vibrant new waterfront mixed use neighbourhood is certainly attractive. Inverness's northern waterfront provides a dramatic setting that might well prove attractive to developers and ultimately deliver

commercial activity, homes and high quality placemaking to the wider benefit of the city and region. I agree that Inverness does not currently capitalise as much as it could on its seafront location. However I am not convinced how much additional land take is necessarily required in order to deliver this concept, particularly given the undeveloped land and lower value uses that currently occupy waterfront locations in this area.

34. It appears that the council has not prepared a strategic flood risk assessment in support of the proposed plan. Nor has a site specific flood risk assessment yet been prepared for the current or proposed allocation. The Trust argues that flooding matters can be addressed through a flood risk assessment at the planning application stage. However it does not serve the certainty the development plan should be aiming to achieve to include allocations where there is significant uncertainty about deliverability.

35. The Trust argues that a piecemeal release of the foreshore in this area (perhaps over several plan cycles) would not allow for a cost effective construction of a new sea wall around the eventual development area. While the land west of the River Ness would presumably need to be separately protected, I accept this argument has validity insofar as it relates to land east of the River Ness. If the vision of releasing significantly more land in this area than indicated in the current proposed plan were robustly established, then it would probably be preferable for the full extent of the long term potential to be indicated in the relevant local development plan as opposed to making incremental releases over a series of plans.

36. On balance, I consider that while the concept advanced by the Trust is in many ways attractive, it has not been sufficiently justified, particularly in terms of flood risk, to enable me to confidently support it, either in the form envisaged by the Trust or the more modest form included in the proposed plan. This would be a significant development for the city of Inverness and the wider region, but there is not currently sufficient clarity as to what is proposed. Nor have the flooding, environmental and other implications of the development yet been sufficiently investigated. I therefore consider that the concept requires some further development, particularly relating to the matters raised in representations to this examination, before it can be confidently included in the local development plan. This is an area that the Trust and the council can profitably work on, in collaboration with environmental agencies and local stakeholders, in the period ahead of the preparation of the next local development plan.

37. I therefore recommend that the part of the IN9 site consisting of undeveloped foreshore be removed from the allocation, but additional text be included in the requirements for this site to refer to the potential of adjoining areas of foreshore.

38. In reaching this view I am conscious that the Trust may have shorter term needs to make progress on securing additional land for its port-related activities. If this is the case, this expansion can be pursued via a harbour revision order. While it would not be ideal to promote a harbour expansion without an allocation in the local development plan, I consider this preferable to including the proposals in the plan at this time, when these are not, in my view, sufficiently clear or justified.

39. The proposed extended allocation abuts or is in close proximity to the Moray Firth Special Area of Conservation and the Inner Moray Firth Special Protection Area. Scottish Natural Heritage advises (in response to a further information request) that reclamation works would have a potential likely significant effect on the bottlenose dolphin qualifying interest of the SAC and on the species for which the SPA is designated. Scottish Natural

Heritage also notes possible effects on seals and otters.

40. The proposed extended allocation has not yet been subject to appropriate assessment as part of the habitats regulation appraisal of the proposed local development plan. In its email of 21 November 2014, Scottish Natural Heritage itemises a number of topics where additional information would need to be gathered in order to properly inform such an appropriate assessment. While it might theoretically be possible to carry out an appropriate assessment prior to the adoption of the local development plan, in practical terms this would be difficult given the lack of detail that exists about the proposed development and its potential impacts. I consider it would be far preferable to consider these matters alongside the preparation of more comprehensive development proposals for this area in the period ahead of the preparation of the next local development plan.

41. Regarding the addition of residential to the list of proposed uses, I agree that housing can often contribute to a successful mix of uses in urban waterfront redevelopment schemes. The potential to include an element of residential use can be considered further as the development potential of the wider area, including the foreshore, is investigated more fully ahead of the next local development plan. However the amount of undeveloped land contained within the reduced IN9 allocation that I recommend is relatively small. I consider that this land does not, on its own, have sufficient scale to warrant the inclusion of housing in the development mix because this would undermine the likelihood of delivering the business, industrial, tourism and retail/ leisure uses the council seeks. The site is also distant from other residential areas and from many of the complementary facilities and services that support housing use, such as schools and convenience shops. Such facilities would be more difficult to economically provide, or provide access to, on this scale of site. I therefore conclude that residential should not be included in the mix of uses in this local development plan.

42. The suggested new references to this development in the vision and strategy sections of the plan are unnecessary given my conclusion that the larger development should not be included in this iteration of the plan.

43. Other matters that have been raised, including industrial noise, impact on existing businesses, retail impact, transport implications, visual impact and air quality can also be considered more fully in the period ahead of the preparation of the next local development plan. I do not consider that these matters are likely to constitute a serious concern insofar as they relate to the relatively small area of undeveloped land within the reduced IN9 allocation that I recommend.

Reporter's recommendations:

It is recommended that:

1. Within the requirements for Site IN2, the phrase "built heritage value of existing buildings; accommodation suitable for the elderly" be replaced with "built heritage value of existing buildings and the surrounding area; the provision of a proportion of accommodation suitable for the elderly".

2. The final sentence in the requirements section for Site IN3 be replaced with: "This should address: preserving the Category B Listed Building and its setting; minimising loss of policy woodland and garden; protection of amenity of neighbouring property;

improvement of access from Culduthel Road.”

3. The area of the historic Town House building be removed from allocation IN6.

4. The eastern part of Site IN9 (currently consisting of undeveloped foreshore) be deleted from the plan; the site area on page 37 be amended accordingly; and the first sentence of the requirements for site IN9 be amended to read: “Developer to prepare masterplan/development brief for this area, and potentially adjoining areas of foreshore, in consultation with environmental agencies and other stakeholders, to be agreed with the Council who may adopt this as supplementary guidance.”

Issue 11	West Inverness	
Development plan reference:	(Paras. 4.9-4.12, Pages 38-41)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Highland Housing Alliance (00202) Muirtown Community Council (00309) Scottish Environment Protection Agency (SEPA) (00523) Scottish Canals (00655) Roger Reed (00965) Ballifeary Community Council (01143) Muirtown Community Council (01612) Chrissie Lacey (01716) Titanic Museum (01976) Sport Scotland (02087) Inverness Rowing Club (02203) Bridget Mackenzie (03930) Paul Shirley (03951) Andrew Black (03985) Monica MacDonald (03987) Marty Davis (03994) Victor Attwood (04004)</p>	<p>Peter Gilmour (04034) Margaret Fraser (04091) Margaret Murray (04162) Stewart Thain (04200) Rhea Frame (04231) Sandra Middleton (04316) Woodland Trust (04364) Wendy Skinner (04370) David Smith (04373) Highland Small Communities Housing Trust (04381) Andrew Whitty (04394) Glenhaven Ventures (04428) Janice Margos (04449) Murdo MacLennan (04450) Michael Chell (04465) Scottish Council for Development & Industry (SCDI) (04485) Paul Gallagher (04490)</p>	
Provision of the development plan to which the issue relates:	West Inverness urban district	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Scottish Canals (00655) - Requests additional Plan references because: the Canal is an ideal surface water drainage receptor for constrained urban sites that cannot provide sufficient on-site SUDS; canal-side developments that benefit from that location in terms of amenity and value should contribute to the provision and maintenance of canal-side facilities.</p> <p>Muirtown Community Council (00309)</p> <ul style="list-style-type: none"> • IN19 Objects because: of community opposition; not suitable for housing; poor ground conditions; inadequate road capacity; traffic safety issues of speeding and inadequate visibility at junctions; adverse impact on built heritage, and; inadequate other supporting infrastructure. • IN20 Requests enforcement of extant permission conditions on community woodland and road improvements. • IN21 Opposes canal-side housing (no reason). Requests retention of all public access 		

routes because well used and land safeguard for second canal crossing because this is a key City congestion pinchpoint.

- IN22 Opposes because of loss of high paid jobs close to and therefore trade for ailing City Centre
- IN23 Opposes because of loss of high paid jobs close to and therefore trade for ailing City Centre
- IN24 Objects because development dependent on West Link road scheme and this scheme is flawed and will be rejected at public local inquiry.
- IN25 Objects to temporary stop site for travellers use option because: incompatible with business and tourism; adverse impact on tourist gateway, and; better that quarry is a centre for recreation.
- IN29 Requests firmer Council action to enforce transfer (lease/sale) to community ownership.
- IN13 Objects to energy from waste facility because: site too prominent; too close to city centre and campus; of increase in HGV traffic, and; better site at Daviot quarry.

New Sites Not Previously Consulted On

Glenhaven Ventures (04428) - Seeks new housing site [04428/IN West General/1, Site Plan for Proposed Development at Leachkin Brae] [04428/IN West General/2, Layout Plan for Proposed Development at Leachkin Brae] because: surplus to agricultural unit; a natural, small infill site; of opportunity to create a new woodland over one third of site and therefore a generally enhanced landscape; this area of hillside already covered with sporadic development; houses will be sited below the 125m contour; existing infrastructure is available; it will extend recreational access; meets housing need; it will better define the City boundary; it will deliver affordable housing; it will increase biodiversity; it lies within an area of urban fringe not true countryside and is characterised by relatively dense, sporadic housing; the site is close and is connected to public transport and active travel networks; it offers the prospect of cohesive, properly serviced and laid out development; the existing substandard junction with Leachkin Brae will be closed off and a standards compliant new one created off the side road, and; the development will not skyline.

IN15 West of Brude's Hill

Peter Gilmour (04034) - Objects to any variation in the planning status of the site because: the housebuilder's track record in completing the earlier phases has been poor; the Council's enforcement of existing planning conditions should be followed through; previously committed landscaping and play area provision should not be lost, and; any variation or new application may delay completion of the site to the detriment of existing householder amenity.

IN18 Glendoe Terrace

Highland Housing Alliance (00202) - Owner supports site's identification for housing development.

Muirtown Community Council (01612) - Prefers retail to housing use because: retail park is declining and its retention is vital; community support for continuation of retail facility, and; wider area can be revitalised for commerce via promotion and enhancement.

IN19 Clachnaharry Quarry

Marty Davis (03994) - Urges that site's development should be dependent upon wider traffic safety improvements for the Clachnaharry area because: accidents have occurred and are likely to continue to occur at this blind corner; local residents are already campaigning for traffic calming measures including a speed limit reduction, and; the visibility at this and other junctions may be substandard for a 30mph road.

Requests additional developer contributions because all developers should contribute to local infrastructure.

Margaret Fraser (04091) - Objects to housing use and would prefer community use because: the quarry is presently a haven for protected and other species; Clachnaharry has a conservation area, and; more flats would ruin the character of the village.

David Smith (04373) - Opposes development of site because: of potential adverse impact on protected and other species including red squirrel; of loss of biodiversity/habitat; of loss of woodland; of its historic connection with the scheduled canal and other built heritage via the stone extracted and used locally; new development unlikely to be in keeping with the conservation area and other adjoining built heritage, and; existing local traffic congestion, corner visibility and safety issues would be exacerbated and successful mitigation is unlikely because of the need for on street parking, driver behaviour not respecting reduced speed limits and the constrained road width and alignment.

Sandra Middleton (04316) - Requests reduced capacity, tighter design control and additional developer contributions because: of potential loss of residential amenity; density should be appropriate to the site and adjacent conservation area and to ensure that impact on the infrastructure of the village in terms of roads, pavements, parking, public transport infrastructure etc. is minimised and enhanced; the site is highly visible at the entrance of the historic Clachnaharry village both from the road and from the canal; of the possible adverse impact on the setting of the conservation area; of the need to not repeat the mistakes and adverse impact of the flatted development on the former caravan sales site; existing village infrastructure networks already at capacity, and; road, pavement, public transport, safer routes to school and service vehicle capacities are particularly strained and current safety issues will be exacerbated by further development. A reduced development capacity may be supported but only if it delivers net betterment to the wider village in particular in terms of traffic management, pedestrian safety and resident parking.

Wendy Skinner (04370) - Objects because: housing not likely to be in keeping with the historic, stone buildings adjoining; poor precedent set by housing on former caravan sales site which has a widespread adverse visual impact and dominates the village skyline; of adverse impact on wildlife/habitat, and loss of woodland.

Scottish Canals (00655) - Supports because it will form part of the wider masterplanning for the Muirtown Basin area.

Muirtown Community Council (01612) - Objects to housing because: overdevelopment; loss of small village character; of inadequate local road capacity and difficulty in increasing it, and; adverse impact on species and habitat which could provide a village asset.

Michael Chell (04465) - Objects to allocation because: of poor and impossible to improve visibility on A862, and; traffic safety issues for existing residents. Land to rear of quarry has high biodiversity value as woodland habitat. Opposes inappropriate, over

development of site because of the potential adverse impact on the setting of the high quality built heritage closeby including five listed properties.

Janice Margos (04449) - Opposes new build housing because: poor precedent set by former caravan sales site development which overlooks other buildings; contrary to Plan's aims of preserving built heritage and character; inappropriate to scale of other development in village; adverse impact on conservation area, and; adverse impact on setting of three listed buildings closeby. Objects to housing use and suggests Telford memorial space because: the habitat value of the site should be safeguarded and enhanced by new tree planting; it could be a unique, well used but low key tourist facility; impossible to create adequate visibility at the junction with the A862; adverse impact on the setting of the listed buildings closeby; inadequate primary school capacity, and; rear of site has poor ground conditions.

Murdo MacLennan (04450) - Opposes new housing development because: of potential adverse impact on conservation area, listed buildings and other built heritage; poor and impossible to improve to standards visibility at site's access point, and; recent accident record for A862 at this location.

Titanic Museum (01976) - Requests re-allocation for police, fire and ambulance station because it will improve emergency vehicle response times to the west side of Inverness and the Aird area by minimising the impact of the canal and railway bridge pinch points. Visibility problems could be resolved via a lights controlled junction.

IN20 Westercraigs

Highland Housing Alliance (00202); Highland Small Communities Housing Trust (04381) - Support allocation but request that further development should be allowed prior to Stage 2 of West Link (canal crossing).

IN21 Muirtown Basin

Bridget Mackenzie (03930) - Objects to any development at Muirtown Basin because: the Basin is a unique asset in terms of its beauty and historical significance; it should be kept as a haven of peace and tranquility sheltered from wind and traffic noise; it is adjacent to the Merkinch Nature Reserve with its abundance of rare wildlife; it is very well used by tourists and locals for recreation, and; surrounding trees would be felled.

Roger Reed (00965) - Believes a second canal crossing road bridge is required because: the single swing-bridge and local road system is already inadequate at busy times for present day traffic, and; the further expansion of the City is inevitable including along the A862 to Beaully. The Basin's development should not stymie the feasibility of an additional canal crossing.

Rhea Frame (04231) - Opposes several aspects of potential development because: of insufficient detail to judge potential adverse impacts; inadequate local road capacity and risk of traffic safety issues particularly at the A862 / King Brude Road junction; of potential loss of tranquil character of area, and; adverse impact on local heritage which is important to tourists and locals. Development should be limited to vacant and underutilised buildings such as the former BandQ.

Scottish Canals (00655) - Supports allocation but requests increased housing capacity because: the exact number should be determined through a more detailed masterplanning process and partnership working; the site is a key regeneration site for the City, and; a higher number may be necessary to make a suitable wider scheme viable.

Titanic Museum (01976) - Opposes business and housing uses at Basin because: site better developed for alternative community, tourism and leisure uses; Basin is unique and development should reflect its character, and; quantity of housing unclear.

Opposes housing development close to Titanic Museum property because of adverse impact on key tourism asset and its potential for expansion which should be assisted by Council and Scottish Canals via funding, improved access and parking because it would help regenerate Inverness and its city centre. Opposes floating offices because of their potential adverse heritage impact. Commercial development will yield a long term rental income rather than a one off capital receipt in the land being sold off for housing. Also opposes housing because of: loss of woodland, and loss of amenity for residents and tourists. Also opposes sports centre within former BandQ building.

Muirtown Community Council (01612) - Supports better canal crossing but opposes housing development because: a better canal crossing is vital to regeneration of this locality and land should be safeguarded for it; the Basin is unique and has historical significance, and; land should be retained and safeguarded to enhance existing recreational useage.

Janice Margos (04449) - Reduced scale of new build development because: Basin and sea locks should be given special heritage status; new shops would undermine Inverness City Centre; need to preserve public views across the Basin from the A862; potential adverse impact on high quality built heritage and Telford legacy; potential adverse impact on views from footpath network around Basin; potential flood risk and lack of insurance cover, and; inadequate primary school capacity.

IN22 Highland Council HQ

Monica MacDonald (03987) - Requests that part of site be reserved for self build or small local building contractor housing plots because: there is an unmet need and demand for such plot provision across Inverness; the plots need not be bigger than standard affordable housing plots; young, local first time buyers would find this a more affordable option; the plots would allow smaller retirement homes to be built freeing up larger properties; with the lack of alternatives in the Ballifeary and Dalneigh area this would allow local people to stay within their neighbourhood; purpose built retirement homes could be designed to be suitable for the elderly which is easier than adaptation of older properties; this would break the monopoly of the volume housebuilders; this would reduce the price of urban infill plots which are artificially inflated by their scarcity to a price which makes self build uncompetitive compared to purchasing from volume builders, and; this would provide more suitable housing choices.

Ballifeary Community Council (01143) - Objects to site because: relocation of existing headquarters office and its occupiers would be of detriment to city centre traders; refurbishment of the existing office buildings is technically feasible and can be achieved at lower cost than relocation; alternative housing use would add to traffic congestion which in turn generates air and noise pollution; of potential loss of footpath that provides a safer route for parents and children going to and from the local schools than Glenurquhart Road with its traffic congestion and safety issues; of inadequate water and sewerage

infrastructure, and; of the lack of a proper evidenced based justification for relocating the public offices.

Margaret Murray (04162) - Requests further Plan detail because: insufficient information has been provided to make an informed comment and to assess possible adverse impacts; more than single storey buildings would not be in keeping with existing, neighbouring development on Bishops Road and may result in overlooking of neighbouring gardens; fear of property depreciation, and; fear that relocation of the Council offices to an out of city centre location would be inconvenient for the majority of Council customers.

Andrew Whitty (04394) - Objects to housing use option because: site better suited to public, tourist and recreation uses as it is central to the city and there is a lack of such facilities elsewhere, and; no more housing is needed within the city centre as densities are already too high.

IN23 UHI Institute, Riverside Gardens

Victor Attwood (04004) - Wishes to be kept informed of development proposals for the site in particular when detailed plans are available as site is within the view from his property.

IN24 Torvean & Ness-side (Northern part)

Andrew Black (03985) - Objects to development between Torvean Quarry and former Craig Dunain Hospital because: of destruction of Yellow Hammer and Sky Lark nesting sites as well as habitat hunting ground for Kestrel, Sparrowhawk, Tony Owl and Red Kite; these species are in decline at the UK level, and; of adverse visual impact on key tourist views. Compensatory, conserved habitat must be safeguarded and provided if development is allowed.

Stewart Thain (04200) - Requests more Plan detail because: there is insufficient clarity for neighbours to assess if and how they will be affected; potential concerns about loss of privacy if the new houses are too close to the back of 55/57 Millerton Avenue, and; fear of worsening surface water drainage flooding which was exacerbated during the upslope Robertson development at Westercraigs.

Inverness Rowing Club (02203) - Seeks a more positive and explicit commitment to support improved and extended facilities for rowing at Torvean because: the Club feels it is threatened and blighted by the West Link Road scheme; the Club is working with the rugby and golf clubs to have a joint approach to enhancement of all facilities; the absence of such support will continue a long period of uncertainty which has blighted the Club's ability to forward plan and attract funding for new/expended facilities; the Council has offered enhancement of all sporting facilities not just like for like replacement; the recent Charrette resulted in a consensus to establish a sports hub at Torvean, and; a detailed specification of facilities to be provided is required to progress further feasibility and funding work.

Scottish Canals (00655) - Requests additional requirements because Plan should have more explicit support for enhancing the visitor experience at a key tourist gateway at Torvean.

Paul Gallagher (04490) - Complains that the Plan contains insufficient detail to make meaningful comment. Concerned about the loss of existing greenspace and the lack of plans for more public greenspace.

SCDI (04485) - Supports early completion of West Link road project.

IN25 Torvean Quarry

Muirtown Community Council (01612) - Opposes traveller use at quarry because: a better site is available at the Longman landfill; of adverse impact on the key, scenic tourist gateway; adverse impact on existing and proposed recreational facilities and; business and tourism uses more suitable.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development.

Sport Scotland (02087) - Requests safeguard for existing quarry uses because: SportsScotland's 2008 policy statement "Out There" identifies disused quarries as more suitable for noisy sporting uses because they are not under pressure from alternative development /uses, and; introducing new uses may undermine the qualities of the quarry for motorbike use and/or create complaints about this use from new occupiers/users.

IN26 West of Hawthorn Drive

Paul Shirley (03951) - Seeks clarification and reassurance that uses proposed will not result in anti social behaviour and/or crime because as neighbour fearful of these effects and shed broken into three times before.

IN28 Inverness High School

Chrissie Lacey (01716) - Opposes commercial or housing development because: vital to keep existing greenspace but perhaps with better landscaping; site only suitable for educational or cultural use such as art gallery/museum, and; ideal for cultural use with good walking and public transport links to city centre and close to areas of deprivation which it could revitalise.

IN29 Dunain Woodland

Woodland Trust (04364) - Supports allocation and its expansion because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development.

Muirtown Community Council (01612) - Supports allocation but urges tighter control to ensure it is safeguarded from other uses because: used and loved by local community for recreation and education; community investment to date, and; of its wildlife value.

IN30 Carse Industrial Estate

SEPA (00523) - Objects unless Council confirms via suitable assessment that adequate flood protection embankments are in place to protect the site from flooding.

SCDI (04485) - Recognises the opportunities that are presented around the Muirtown Basin and welcomes plans to redevelop buildings around the area and take advantage of this prime location.

Titanic Museum (01976) - Different acceptable land uses because this land should be part of the wider Muirtown Basin masterplan area.

Modifications sought by those submitting representations:

General

Scottish Canals (00655) - Additional Plan references: to encourage developers to consider utilising the canal as a receptor for surface water discharge and as a potential heating / cooling source for adjoining developments, and; to require developers to contribute towards the upgrading of canal-side areas or facilities such as moorings which developments ultimately will take advantage of and gain benefit from in terms of amenity and value.

Muirtown Community Council (00309)

- IN19 Deletion of allocation.
- IN20 Firmer developer requirement to enforce previous permissions conditions in respect of road improvements and community woodland.
- IN21 Deletion of housing as land use option. Firmer developer requirements for all public access routes retention and land safeguard for second canal crossing.
- IN22 Deletion of allocation.
- IN23 Deletion of allocation.
- IN24 Deletion of allocation.
- IN25 Deletion of temporary stop site for travellers use option.
- IN29 Firmer developer requirement to enforce transfer (lease/sale) to community ownership.
- IN13 Deletion of energy from waste facility option.

New Sites Not Previously Consulted On

Glenhaven Ventures (04428) - New housing allocation at Woodside with a net additional capacity of 14 units and additional woodland. Suggested text: "Site : IN 20 Woodside Croft, Leachkin Road Area(ha): 3.6 Housing Capacity : 15 Requirements: Landscape plan focussed on woodland establishment and management. Access."

IN15 West of Brude's Hill

Peter Gilmour (04034) - Explicit statement that the Council will not seek to change or vary the extant planning permission for the site and ensure early and correct completion of the existing permitted development (assumed).

IN18 Glendoe Terrace

Highland Housing Alliance (00202) - None – comment of support.

Muirtown Community Council (01612) - Change of use to retail.

IN19 Clachnaharry Quarry

Scottish Canals (00655) - None – comment of support.

David Smith (04373) - Deletion of allocation and replacement with cherished greenspace notation.

Muirtown Community Council (01612) - Deletion of housing allocation and replacement with cherished greenspace notation.

Michael Chell (04465) - Deletion of housing allocation and safeguard of the woodland area at the rear of quarry (assumed).

Titanic Museum (01976) - Site re-allocated for combined police, fire and ambulance station.

Janice Margos (04449) - Deletion of new build component of housing allocation and replacement with memorial space and garden dedicated to Thomas Telford at frontage, additional planting in the middle and the rear fenced off for wildlife. Clachnaharry House to be converted into flats.

Wendy Skinner (04370) - Deletion of housing allocation and replacement with a cherished greenspace notation.

Sandra Middleton (04316) - Housing capacity should be reduced from 16 to 8 Design requirements should be more explicit e.g. terraced one and a half or two storey properties in keeping with the village. Additional requirements for village and public transport infrastructure, cycleways, and parking provision for residents of the development and neighbouring properties impacted by it.

Murdo MacLennan (04450) - Rear part of site to be safeguarded for wildlife and front part for seating and garden area.

Marty Davis (03994) - Additional developer requirement for the Council in conjunction with any development to consider wider traffic management measures for the Clachnaharry area including speed limit reduction, lights controlled crossing(s) and mini roundabout. Additional developer requirement to contribute to public infrastructure in the Clachnaharry area - specifically public parking spaces, children's play areas, gardens and perhaps a pedestrian crossing over the A862.

Margaret Fraser (04091) - Deletion of housing allocation and replacement with greenspace (assumed).

IN20 Westercraigs

Highland Small Communities Housing Trust (04381), Highland Housing Alliance (00202) - Relaxation of roads requirement to allow for development prior to the river and canal crossings.

IN21 Muirtown Basin

Muirtown Community Council (01612) - Requirement for a better canal crossing. Deletion of housing use option.

Scottish Canals (00655) - Increased (undefined) housing capacity.

Janice Margos (04449) - Acceptable new build development limited to a heritage/tearoom/conference centre on the Carse side (most sensibly on the BandQ site) of the Basin similar to the Falkirk Wheel centre.

Titanic Museum (01976) - Deletion of housing and business use options. An exact and low housing capacity or better deletion of housing and offices land use options. Limit acceptable uses to tourism, community and leisure only.

Bridget Mackenzie (03930) - Deletion of allocation and embargo on any development around Muirtown Basin.

Roger Reed (00965) - Additional site requirement and safeguard for a second road bridge across the Caledonian Canal.

Rhea Frame (04231) - Additional safeguards to protect the social balance of the local community and the capacity of the local road network in particular that of the A862 / King Brude Road junction.

IN22 Highland Council HQ

Andrew Whitty (04394) - Removal of housing use option.

Margaret Murray (04162) - More detail of the development likely to be supported on the site. Clarification of whether Plan text means 50 homes and/or 50 businesses.

Ballifeary Community Council (01143) - Deletion of allocation as first preference. Second preference, two additional developer requirements: retention of existing woodland and green spaces, and; retention of footpath route through the site.

Monica MacDonald (03987) - Additional developer requirement that site should include a proportion of self build or small local building contractor housing plots.

IN23 UHI Institute, Riverside Gardens

Victor Attwood (04004) - None sought.

IN24 Torvean & Ness-side (Northern part)

Scottish Canals (00655) - Additional developer requirements to better recognise pedestrian/cycling/tourism and canal needs at the interface of West Link and the Caledonian Canal. In particular: a new canal basin; a 5th leg off Torvean roundabout; better all user access along and to the canal corridor, and; making Torvean a Scenic Tourist Route location (assumed).

Inverness Rowing Club (02203) - Amend wording of 5th bullet of paragraph 4.9 to read:- "Land for enhanced recreational and sporting facilities at Torvean comprising improved and extended facilities for rowing, a better golf course, additional sports pitches, changing and meeting facilities and trails." Additional Action Programme entry to state:- "Site IN24 - Torvean - Improved and extended facilities for sports and recreation, including the provision of appropriate clubhouse/boathouse accommodation - Scottish Canals, Highland Council and other interested parties."

Stewart Thain (04200) - More Plan detail on the nature of development to be supported on the site.

SCDI (04485) - None – comment of support.

Paul Gallagher (04490) - More detail on uses and layout. A greater proportion of retained/new greenspace (assumed).

Andrew Black (03985) - Plan provision for compensatory, conserved habitat if development is allowed.

IN25 Torvean Quarry

Sport Scotland (02087) - Additional developer requirement for a Recreational Access Management Plan to ensure that existing recreational uses of the quarry (in particular motorcyclist use) are not prejudiced by any new development.

Muirtown Community Council (01612) - Deletion of temporary stop site for travellers as use option for Torvean quarry and addition of it for site IN13.

Woodland Trust (04364) - Developer requirement that access improvements must avoid loss of any woodland. Trees close and within this site should be part of IN29 community woodland allocation.

IN26 West of Hawthorn Drive

Paul Shirley (03951) - Explicit exclusion of uses that generate people congregating at night and consequent likelihood of anti social behaviour and/or crime (assumed).

IN28 Inverness High School

Chrissie Lacey (01716) - Site should be safeguarded for cultural/educational use only.

IN29 Dunain Woodland

Woodland Trust (04364) - Expansion of site to include ancient woodland bordering Torvean Quarry.

Muirtown Community Council (01612) - Firmer requirement to promote community control over land.

IN30 Carse Industrial Estate

SCDI (04485) - None – comment of support.

Titanic Museum (01976) - A replacement community, tourism and/or leisure mixed use allocation.

SEPA (00523) - Deletion of allocation unless a prior to confirmation of allocation assessment, confirms that suitable flood defences are in place.

Summary of responses (including reasons) by planning authority:

General

Scottish Canals - The suggested additional references are interesting but do not sit well within the Plan format. The first is a welcome offer of an outlet for surface water and the second a general and undefined developer contribution requirement. Accordingly, the Council believes the Plan should be retained without modification.

Muirtown Community Council

- The community council's opposition to almost every Plan proposal within their boundary is unhelpful and may not be representative of all views in the area. Individual site responses are given in detail below but the Council responds to the main points made as follows.
- Road improvements are being progressed at Westercraigs and have been reduced at the request of Scottish Natural Heritage because of woodland impact. Transfer of landownership to the community woodland group can only reasonably be done via negotiation not by compulsory purchase coercion.
- Opposition in principle to canalside housing is unreasonable. Continued public access to the canal network walking routes is a Plan requirement for the affected sites and an aim of Scottish Canals.
- An additional canal crossing at Muirtown although desirable is not likely to have a positive cost benefit ratio and presents considerable technical and environmental challenges.
- Allocations IN22 and IN23 propose replacement employment uses and the jobs would be relocated within rather than lost to the City.
- IN24 benefits from statutorily adopted supplementary guidance [THC/IN West General/1, Adopted Torvean and Ness-side Development Brief, All] and the West Link [THC/IN West General/2, West Link Planning Permission Decision Notice] and its accompanying sports facility package [THC/IN West General/3: Torvean Sports Hub Etc Planning Permission Decision Notice] from a planning permission. A public local inquiry is likely into West Link but will be a compulsory purchase one concerned largely with matters of impact on particular landowners.
- The Council believes it is appropriate for it to identify potential temporary stop sites for the gypsy traveller communities. This is in recognition of the need to better manage the effects of unauthorised encampments throughout Highland. Potential sites were selected by housing and planning officials at Main Issues Report stage on the basis of their good major road connectivity, previous use by gypsy traveller communities, and where it was understood that there may be a landowner willing to release the site for this purpose. The site or sites were to be designed to provide only temporary facilities in terms of safe road access, on-site waste management storage and collection and a water main connection. Torvean Quarry is owned by the Council and although at present there is no specific Council capital programme commitment for stop site provision the Plan allows for their medium to longer term provision as an option rather than as a definite proposal. Most respondents that expressed a site preference

supported this site and the other retained option at Longman (IN8). The community's desire to contain trial and quad bike usage within the quarry is noted and accepted and addressed by developer requirement. The site is visually contained and large enough to achieve separation of uses within it. The Central Inverness schedule responds to matters raised in relation to IN13.

New Sites Not Previously Consulted On

The suggested proposal has little planning merit other than some additional planting and has been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues Report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification.

IN15 West of Brude's Hill

The Plan does not promote any change to the previous planning permission requirements. Any necessary enforcement is a matter for the development management process. Accordingly, the Council believes the allocation should be retained without modification.

IN18 Glendoe Terrace

Owner's support noted and welcomed. The Telford Street Retail Park has several vacant units caused by a shift in retail activity across the City towards the developing neighbourhoods south and east of the older core of the settlement. Given the physical, recreational and infrastructure constraints to development west of the River Ness, it would not be appropriate to seek to expand the retail park boundary. Instead the Council is concentrating on retaining and attracting new operators within the existing boundary and linking other tourism based development at the Muirtown Basin.

IN19 Clachnaharry Quarry

- Scottish Canals are promoting the site for housing development because it is surplus to canal related use, is on the opposite side of an A road to the Muirtown Basin where canal related tourism facilities would more appropriately be sited and is a natural urban infill opportunity being enclosed and previously developed. The Council agrees with some of these assertions but recognises that it should only be developed with appropriate safeguards which are listed within the Plan text particularly in terms of road access improvements and setbacks from woodland and the shading effect of the quarry wall.
- The Council accepts that the A862 has capacity and road safety challenges through Clachnaharry village. However, opinions differ as to whether on street parking, blind

corners and traffic lights improve safety as traffic calming features or not (by altering driver behaviour). Moreover, road widening is impracticable without property acquisition and may be detrimental to the character of the conservation area (as may other traffic calming street furniture). In any event it is unreasonable to insist on a developer funded improvement not related in scale and kind to the impact of the development proposed. The Council agrees that the site's access should be improved and it may be appropriate to seek a partial contribution to wider traffic management measures and more arguably a land safeguard for general needs parking but not to wholesale improvements to the wider local road network. Similarly, other respondents' requests for contributions to other community infrastructure are unjustified.

- The Plan wording safeguards the woodland habitat within the site and a set-back from it securing any unproven species interest there may be. However, the Council would be content if the Reporters were to recommend an additional species survey requirement for the allocation.
- The site lies outwith the conservation area and is not visually linked to it, will not affect the setting of any listed building and is only glimpsed from key public viewpoints. However, the Council would be content if the Reporters were to recommend an additional high quality of architectural design quality requirement for the allocation.
- There is no capacity issue at Muirtown Primary School – it is currently at 76% of its design capacity and projected to peak at 86% with planned housing growth and other expected roll changes. The site is not large enough and its access not suitable for a police, fire and ambulance station although it is agreed that a lights controlled junction would resolve visibility issues.
- Given the above, it is suggested for the Reporters' consideration that the site could be merged with IN21 Muirtown Basin as a single mixed use allocation so that traffic management, parking, architectural design, housing potential and tourism facility issues can be assessed for both sites through the same masterplanning process.

IN20 Westercraigs

The request for unrestricted development prior to a canal crossing is unreasonable given that the extant permission already allows considerable development prior to stage 2 of West Link, that further development beyond this threshold would increase canal queuing times to the detriment of local and tourist traffic flows and further inhibit emergency vehicle response times to locations west of the canal, and that other more suitable and allocated housing sites are available elsewhere within the City. Accordingly, the Council believes the allocation should be retained without modification.

IN21 Muirtown Basin

The Muirtown Basin has been identified in successive development plans for further development as part of a regeneration objective to uplift this part of the City which lies adjacent to neighbourhood's experiencing multiple deprivation issues. The Basin and its margins are allocated for mixed use development within the 2012 adopted Highland wide Local Development Plan. The referenced masterplan is in preparation and will be adopted as statutory supplementary guidance to the HwLDP and (in time the Plan). The former B&Q is included within the Basin boundary because it is contiguous to it and is the optimum access route to it. It is hoped to promote business leisure and tourism uses but housing will be important to the viability of mixed use development. It is accepted that protection of the physical fabric and setting of the scheduled monument is vital and this is addressed by developer requirement. The site is a bustling canal corridor flanked by urban

development not a haven of peace and tranquility sheltered from wind and traffic noise. The Council would be content if the Reporters were to recommend an additional requirement to safeguard existing woodland. An additional canal crossing at Muirtown although desirable is not likely to have a positive cost benefit ratio and presents considerable technical and environmental challenges. More detail will be set out within the masterplan referred to above which is being consulted on during 2014. Local road capacity is limited but the allocation is longstanding and redevelopment of vacant sites offers opportunities to effect improvements. The former B&Q building will be the principle development site (if and when released) and canal related tourism development will be the primary use. The site's housing capacity figure has been set low to reflect this and the Council sees no current justification to increase it. Class 1 retail is not listed as an acceptable use and the poor performance of the adjoining retail park indicates a lack of market demand for such. The masterplan will address potential impacts on adjoining properties and minimise them. It is not incumbent on the Council or any other public agency to support the expansion of any particular private enterprise. It is very unlikely that the masterplan or any developer would promote a sports centre within the former B&Q building. Other than the potential additional woodland reference the Council believes the allocation should be retained without modification.

IN22 Highland Council HQ

The site benefits from a 2006 adopted Inverness Local Plan allocation for mixed use development and the Plan rolls this forward with minor amendment. Any redevelopment is predicated on the Council making a decision to relocate part or all of its headquarters functions. Any relocation may be to another City Centre location so economic and customer net detriment may not occur. The Council buildings are a considerable traffic generator as an origin and destination of peak time trips so its relocation would be likely to result in a net betterment to the local road network. There is no water and sewerage capacity constraint at this location. Although the Council is conducting a review of all its Inverness buildings with a view to rationalisation, no consensus or conclusion has emerged to date. The Council believes that the Plan text is adequate in explaining that any redevelopment proposal would be of mixed use not solely housing but should also reference concerns expressed by respondents. Additional requirements are suggested for the Reporters consideration in terms of: woodland retention and set-back; pedestrian access route retention; self build housing component; compatibility with character of adjoining development.

IN23 UHI Institute, Riverside Gardens

The respondent lives adjacent to the site and would be neighbour notified of any planning application. Accordingly, the Council believes the allocation should be retained without modification.

IN24 Torvean & Ness-side (Northern part)

The flatter, worked out area of Torvean quarry benefits from an employment allocation within the 2006 adopted Inverness Local Plan and the area covered by IN24 benefits from statutorily adopted supplementary guidance for a variety of uses. The development plan policies and proposed uses for the land between the former Craig Dunain hospital and the quarry are a mixture of cemetery extension, reconfigured golf course and retained community woodland all of which should provide a variety of habitats for a variety of species. The reconfigured golf course will create additional wetlands and woodland. A

limited housing development is proposed adjacent to that existing at Golf View Road. No precise detail is known for the housing layout to the rear of Millerton Avenue but the approved indicative masterplan suggests some public open space set-back and the need for large surface water drainage devices. The slope and ground conditions in this area pose considerable surface water drainage challenges. Steeply sloping land with an impervious clay soil cap means that within curtilage soakaway drainage is restricted and therefore large surface water drainage devices are required such as the one below the recent Robertson's housing development. The masterplan allows for similar provision and it is planned to channel excess waters into the proposed, reconfigured golf course to assist in the creation of water features. Inverness Rowing Club's demands were considered and to a degree responded to through the supplementary guidance consultation process and the processing and decision on the West Link road scheme planning application. They will achieve net betterment in terms of road access arrangements and no net detriment in terms of berthing and their operational use of the canal. Their claims of blight are exaggerated, the road does not have any direct impact on their clubhouse or berthing. A previous road alignment did but this was abandoned in 2008/9. A sports hub planning application was approved by the Council in April 2014 and offers the prospects of enhanced facilities but local clubs and the Council have yet to commit to the detail of these. The approved supplementary guidance and West Link planning application contains tourist enhancement proposals for the Torvean gateway. Significant additional tourist development is dependent upon a 5th leg off the new Torvean Roundabout which has been allowed for in its design but will not be constructed initially. The approved supplementary guidance endorses the retention and enhancement of most existing greenspace including the new sports hub, reconfigured golf course and cemetery extension all with public access. Support for completion of West Link is welcomed. A potential minor change to the IN24 site boundary (Central and West Inverness Inset Map) would be the exclusion of land currently used by the local American football club, Inverness Blitz for their portakabin clubhouse and parking which the Council has now agreed can be used by a local petanque club. The Reporters are asked to consider such a reduction in the boundary of IN24. Otherwise, the Council believes the allocation should be retained without modification.

IN25 Torvean Quarry

The Council believes it is appropriate for it to identify potential temporary stop sites for the gypsy traveller communities. This is in recognition of the need to better manage the effects of unauthorised encampments throughout Highland. Potential sites were selected by housing and planning officials at Main Issues Report stage on the basis of their good major road connectivity, previous use by gypsy traveller communities, and where it was understood that there may be a landowner willing to release the site for this purpose. The site or sites were to be designed to provide only temporary facilities in terms of safe road access, on-site waste management storage and collection and a water main connection. Torvean Quarry is owned by the Council and although at present there is no specific Council capital programme commitment for stop site provision the Plan allows for their medium to longer term provision as an option rather than as a definite proposal. Most respondents that expressed a site preference supported this site and the other retained option at Longman (IN8). Sport Scotland's desire to retain trial and quad bike usage within the quarry is noted and accepted and addressed by developer requirement. The site is visually contained and large enough to achieve separation of uses within it but a requirement for additional tree screening may be appropriate. The Central Inverness schedule responds to matters raised in relation to IN13. No woodland loss would result from development on the flatter, worked out area of the quarry which is the only portion of

it suitable for built development given its geological SSSI status and landform. Accordingly, the Council believes the allocation should be retained without modification save consideration by the Reporters of an additional planting requirement to achieve better screening between the site and A82(T), and to achieve better separation of uses within the quarry.

IN26 West of Hawthorn Drive

The only development supported is retention and possible expansion of the existing allotment and horticultural training facilities. These are not a likely source of anti-social behaviour. Accordingly, the Council believes the allocation should be retained without modification.

IN28 Inverness High School

Within the current Plan period, the Plan text specifically reserves the land for education purposes only. Accordingly, the Council believes the allocation should be retained without modification.

IN29 Dunain Woodland

The Plan text specifically reserves the land for the requested purposes only. Transfer of ownership to a community group would be the optimum way to guarantee its protection but it is impracticable to coerce this via compulsory purchase or other means. Accordingly, the Council believes the allocation should be retained without modification.

IN30 Carse Industrial Estate

The land benefits from extant planning permissions for industrial developments. Despite this a flood risk assessment requirement is listed and a reference that this may affect the developable area. The issue of flood risk is clouded by a dispute between SEPA and the Council as to whether the South Kessock causeway forms a suitable flood defence or not. SEPA's position is based on an assertion that it does not. There is a dearth of Class 5 industrial land within Inverness and the wider Plan area and these uses are compatible with those adjoining within what is an established industrial estate. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. Scottish Canals suggests the possibility of canal-side developments using the canal for the discharge of surface water and for heating/ cooling purposes. These are interesting ideas that may well be worth pursuing further with the owners and developers concerned. However there is no indication that these measures are necessary in order to make the development of these sites acceptable. Therefore it would not be appropriate to include these measures among the requirements for canal-side allocations.
2. Regarding the suggestion that developer contributions should be sought towards the upgrading of canal-side areas and facilities, it is unlikely that such a requirement would satisfy the tests for planning conditions set out in Circular 4/1998 or for planning

obligations set out in Circular 3/2012. In particular there is no indication that such upgrades are necessary to enable the developments to go ahead. I therefore conclude that no modification should be made to the proposed plan.

Leachkin Brae

3. This steeply sloping area of overgrown grassland lies immediately to the west of the existing built up area of Inverness. It forms a part of the wooded and agricultural slopes that contribute strongly to the landscape setting of this part of the city. While some sporadic development exists on these slopes, they retain a strongly rural character. Urban development in this area rarely extends above the 100 metre contour line. However, being on rising ground over 100 metres, the Leachkin Brae site is highly visible from residential areas to the east. Its development would therefore have a negative impact on the landscape setting of the south-western part of the city. Access would be via Leachkin Brae, which is a steep single track road. It is likely that this would need significant improvement in order to achieve a satisfactory access to the site.

4. I have concluded elsewhere that the proposed plan makes sufficient housing land available. There is therefore no over-riding need to allocate this or any other additional sites. I note the offer to associate new development with woodland planting, but do not consider that this benefit is sufficient to outweigh the disadvantages of developing this site. I conclude that there should be no modification to the plan.

IN15 – West of Brude's Hill

5. The representee is concerned about the slow delivery of this site and a perceived non-compliance with conditions. The pace of any private development is not directly controlled by the council or the development plan. If conditions associated with the existing consent are not being complied with, this is a matter to take up with the council's enforcement service. As it is, the proposed plan explicitly states that development must proceed in accordance with the extant consent. Any significant changes to the development would require a fresh application. No modification is required to the plan.

IN18 – Glendoe Terrace

6. This is an area of vacant brownfield land bounded by existing housing to the west and north, and a retail warehouse to the south. The representee seeks its allocation for retail as opposed to housing use. The existing retail park to the south contains a number of vacant units, indicating to me that opportunities exist for new retailers wishing to locate in this part of the city. The IN18 site is not included within the boundary of the district centre as shown on the West Inverness proposals map. Housing use would be compatible with neighbouring residential and open space uses. For all these reasons I conclude that housing is an appropriate use for this area of land and that no modification to the plan is required.

IN19 Clachnaharry Quarry

7. This overgrown former quarry site is well contained by the local topography, mature trees to the rear and by neighbouring buildings. The main concern relating to its proposed development is regarding access arrangements and road safety. The site is located on an inside bend of the A862 Clachnaharry Road, and it was not immediately apparent to me on my site inspection that a safe access could be formed to it without

significant land take and/ or major road engineering or traffic management measures. I therefore issued a further information request to the council and Scottish Canals (as landowner) asking them to demonstrate how a safe access could practically be achieved.

8. In response, the council's transport engineer commented that visibility standards (90 metres in both directions from a 4.5 metre set back from the carriageway edge) could not be achieved without altering a private garden to the west and demolishing adjacent properties to the east. However he commented that a reduced set-back of 2.4 metres might be acceptable for a site of this size. This would allow adequate visibility to be achieved to the west, but still not to the east.

9. Given the substandard visibility, the council commented that any development would need to be accompanied by proposals to reduce vehicle speeds on the A862. The development framework document prepared by Scottish Canals for the Muirton – South Kessock area also acknowledged the concerns that exist about vehicle speeds in this area, and clearly linked the development of the quarry site with traffic calming measures on the A862. Local concerns about traffic speeds are clear from many of the representations received regarding this proposal. I therefore conclude that it is necessary to add a requirement for this site relating to the implementation of a suitable scheme to reduce vehicle speeds on the A862.

10. Both the council and Scottish Canals agree that achieving a satisfactory visibility splay to the east of the access point would require a large part of the site frontage to remain free of development or other obstruction. However the building layouts provided by Scottish Canals indicate that this restriction does not preclude the development of a satisfactory scheme on the site.

11. Other transport issues have been raised relating to footpath widths, parking in the village, public transport provision and cycling facilities. These are matters of existing and wider concern in Clachnaharry. However some feel these problems affect the suitability of the quarry site for development, or would be exacerbated by the development. There is evidence that at least some of these concerns, for instance about the narrow or non-existent footpaths in parts of the village, are valid. However no compelling evidence has been submitted to demonstrate that the development of this relatively modest site would make any of these existing problems significantly worse, and I do not consider that this is likely to be the case.

12. Some representees are concerned about the wildlife value of the site, especially the woodland area to rear. The quarry floor has naturally regenerated to some limited extent, but I have seen nothing to indicate that it has such a level of importance for biodiversity as to preclude its suitability for development. However I agree that the mature woodland close to and on the rear wall of the quarry is a more important feature. The proposed plan contains a requirement to set any development back from this woodland. I consider this existing provision offers adequate protection to the most important natural feature of the site.

13. Regarding the historic environment, while the site is outside the conservation area, I accept that the wrong development could have a negative impact upon the conservation area, nearby historic buildings and the wider character of this part of Inverness. However I consider this emphasises the need for a high quality design, rather than that the site should remain undeveloped. This matter can be suitably addressed through the development management process. The council has suggested adding a requirement to

the plan relating to the need for a high standard of architectural design. However given that area-wide policies already exist in the Highland-wide plan requiring this, I do not consider that such an addition is necessary.

14. Regarding the existing attractiveness of the site as open space, I find that the most visually pleasing feature is the mature woodland, which will be protected. The quarry floor presents an overgrown appearance that not all would find attractive. The site is not accessible to the public. While the very openness of the site confers some aesthetic value, I note the presence of other important open spaces nearby, most notably the Muirtown Basin the east. For these reasons I do not consider the site to have such a significant value as open greenspace as to warrant its protection from development.

15. The council's methodology for arriving at site capacities is set out in the Housing Land Requirement Background Paper. I note the suggestion in papers submitted by Scottish Canals that the site might be developed for 20-30 units. Site plans have also been submitted illustrating various potential layouts. While not all these layouts appear to comply with the requirements for the site, they do satisfy me that a capacity of 16 units, as given in the proposed plan, is achievable. I therefore consider that this figure should remain in the plan.

16. There is no evidence of any over-riding requirement for any of the suggested alternative uses for the site, including as a memorial garden or a police and ambulance station. However I do note that the idea of including a monument to Thomas Telford is mentioned in the Muirtown and South Kessock charrette report. While this would not be a reasonable requirement to incorporate in the plan, it may be an idea that Scottish Canals will wish to pursue.

17. There is no authoritative evidence that a geological assessment is required for the site, and in any event, the required setback from the wooded area would serve to separate buildings from the quarry face.

18. Overall I am satisfied that it is sensible to allocate this well-contained infill site, and that subject to the requirements set out in the plan (including the requirement relating to reducing vehicle speeds) there are no insurmountable constraints connected to its development.

19. The council has raised the possibility of merging this allocation into the neighbouring mixed use IN21 allocation at Muirtown Basin. I am not attracted by this idea, which has not been suggested by any representee. IN19 and IN21 are separated by a main road, and the maintenance of a separate IN19 allocation allows for more detail to be included about this site, which is affected by particular constraints.

IN20 Westercraigs

20. The restriction on the level of development allowed on this site prior to the opening of the new road crossing over the canal appears to be a condition of the existing partly implemented planning permission. An application to remove or amend this condition would be required to change this. While it would be possible to delete the reference to this matter in the plan, the council's evidence is that allowing this site to be built out prior to the construction of the new link would have harmful effects on traffic movements. This is not disputed in the representation. In these circumstances I conclude that no modification to the plan is required.

21. The enforcement of conditions relating to the existing consent on this site is a matter to take up with the council's enforcement service.

IN21 Muirtown Basin

22. Muirtown Basin and its margins forms a part of a larger Muirtown – South Kessock mixed use allocation in the Highland-wide Local Development Plan. At paragraphs 16 to 18 of my conclusions at Issue 9, I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide Local Development Plan, unless circumstances have clearly and significantly changed. I have seen no strong evidence of any significant change in circumstance at Muirtown Basin, with the possible exception of the additional work that has been done in carrying out a charrette for the wider area. I therefore treat the principle of mixed use development at this location as being established.

23. Muirtown Basin is certainly a unique and highly attractive part of Inverness. It represents a huge asset for the city. Any development here therefore needs to be sensitively handled, and should serve to enhance rather than detract from the qualities of the area. However opportunities undoubtedly exist for new development to make a positive contribution to the attractiveness, character and vitality of the basin. For instance the existing B&Q building fails to address the canal in any positive sense, and its redevelopment for a mix of uses could, if well-designed, make an important contribution to improving quality of place in this area. The proposed mix of business, community, tourism, leisure and limited housing development appears to me appropriate for this urban canal-side location. Such a mix of uses will contribute to a sense of vitality that should fit well with the role of the basin as a point of arrival and departure at the northern terminus of the Caledonian Canal.

24. The Inner Moray Firth plan provided an opportunity to include more detail on what development is sought here than was provided in the Highland-wide plan. I agree that the proposed broad brush allocation is potentially misleading in that it includes large areas where it appears no significant development is proposed. In part this may be an accident of timing. The council and Scottish Canals are pursuing a charrette and masterplanning approach to determine the form that any new development will take, and the final results of the latter are not available in time to inform the plan. Including the entire basin in the allocation may also encourage a holistic approach to be taken to the planning of this area. Therefore, while I agree that it would have been preferable to have included more detail in the proposed plan, I accept that it is not possible to include this detail at this stage, and that an allocation covering the whole basin is appropriate.

25. One particular concern relates to the existing woodland that provides part of the setting of the basin. I agree that the trees around the basin make an important contribution to the area's attractive and tranquil character. The council is content to include a requirement that existing woodland be safeguarded, and I agree that this would be worthwhile. Such a requirement should limit the extent to which development could be promoted on the south-west fringe of the basin.

26. Regarding the stated housing capacity of the site, it appears to me that the proportion of the allocation area that is likely to prove suitable for new development will be relatively small, given the environmental and heritage sensitivities of the site (including the protection of existing woodland discussed above). Nevertheless it is likely that the site could physically accommodate more than 30 homes, even if building were limited to areas

of existing development such as the former B&Q and Texstyle premises. However it is apparent from the council's evidence that a priority for the site is the development of business and canal-related tourism uses. Given that opportunities particularly to develop canal-based tourism are so limited, it is understandable that the council should wish to place limits on the extent to which competing uses can be developed.

27. A stated role for the housing component of the proposal is to ensure the overall viability of the mixed use development. This mixed use concept would be undermined if the level of housing development grew so large as to severely limit the land available for uses which are a higher priority for the site. The exact amount of housing that will serve to achieve the viability of the overall development and contribute in the best way to the creation of a vibrant mixed use development may be expected to emerge from the ongoing masterplanning process. But for the reasons outlined above, I am satisfied that it is appropriate for the number of houses stated in the plan to be relatively modest. In any event, as stated in paragraph 2.12 of the proposed plan, the capacities given in the plan are indicative and may be changed if detailed design work demonstrates efficient use of land and a satisfactory site layout. Overall I conclude that the site capacity of 30 houses is appropriate and no change to the plan is required. This modest level of residential development is unlikely to place a significant extra burden on school places, or have a significant effect on the wider social balance of this part of the city.

28. Regarding the need for a new or improved canal crossing, this is one of the topics where additional detail in the plan might have been useful. As things stand however, this is a matter that could usefully be explored in more depth in the upcoming masterplan/development brief, including what can practically be achieved within the limited funds available. For the time being, I am content that the existing requirement in the proposed plan for there to be no net detriment to the local transport network including the King Brude Road A862 road junctions adequately protects the interests of local people and existing road users.

29. Regarding flood risk and ground conditions, I note there is no representation from the Scottish Environment Protection Agency, or any other expert evidence to indicate that flooding may be a problem on this site. Also, the main focus of new development appears to be areas occupied by existing buildings, such as the former B&Q and Texstyle premises. I therefore consider that no flood risk constraint has been demonstrated.

IN22 Highland Council Headquarters

30. This site formed part of a larger allocation in the Inverness Local Plan for cultural, leisure and heritage uses, subject to the relocation of the Highland Council offices. To some extent therefore the principle of a change of use on this site is established, although not for business or housing uses.

31. Some representees oppose or query the principle of Highland Council relocating their offices to another location. The question of whether some other site would suit the needs of the council's customers, or serve the ongoing vitality of the city centre would be much more to the fore were I considering such an alternative site. I am not. As it is, the question of whether the council should relocate its offices is peripheral to my consideration of what the plan should say about this site in the event of its becoming surplus to the council's requirements. I therefore decline to delete the allocation on the basis that the council offices should necessarily remain where they are.

32. Regarding whether housing is an appropriate new use for the site, I agree with the council that traffic generation from 50 houses is likely to be less than from the existing major office complex. Similarly I have no evidence that the drainage/ sewerage loads would be any higher after a change of use from offices to housing and business. Indeed redevelopment could offer an opportunity to introduce modern sustainable drainage systems if these were required. Housing is the predominant use of surrounding areas to the north, west and south of the site. I therefore conclude that housing would be an appropriate use for the site, should it become available.

33. The council accepts that it would be worthwhile to introduce some further requirements into the text of the plan in response to some of the concerns raised by representees. These relate to: woodland retention and setback; pedestrian access route retention; self-build housing component; and compatibility with the character of adjoining development. I agree that it would improve the plan to include requirements along these lines, which respond to valid concerns. I recommend a suitable form of words below.

34. As regards self-build housing, this term can be taken by some to mean householders actively constructing houses themselves. The representee's concern relates more to making individual plots available for private sale. To a degree this is a general rather than a site-specific concern, that could perhaps best be addressed through a policy in the replacement Highland-wide Local Development Plan. But given that this is a council-owned site, and therefore the council can retain more control over how the land is disposed of, I accept that there is merit in including a reference to making individual plots available among the development requirements.

35. Regarding whether the 50 homes are an alternative to business development, I consider it is clear from the plan that both uses are envisaged. This is a mixed use allocation, and elsewhere in the plan it appears that when several uses are listed the intention is that all should form a part of a mix of uses. No modification is therefore required regarding this point.

36. The effect of development on property values is not a material planning consideration.

IN23 UHI Institute, Riverside Gardens

37. Regarding possible losses of jobs from this site, as for the council headquarters the focus of the examination is whether this site would be suitable for the proposed new uses should it become available for development. In any event, I note that replacement employment uses are proposed. There is no suggestion that the proposed uses are themselves unacceptable. I therefore conclude that no modification is required.

IN24 Torvean and Ness-side (Northern part)

38. This large (246 hectare) allocation to the south-west of Inverness comprises the northern part of the area of the council's adopted Torvean and Ness-side Development Brief. The land covered by the IN24 designation was shown under a number of separate allocations in the Inverness Local Plan for a number of uses including housing, golf course and green wedge. In the Highland-wide Local Development Plan, areas in the north-western part of IN24 were allocated for mixed uses. To some extent therefore the principle of this allocation is established, but the way in which the proposals are illustrated on the proposals map and described in the proposed plan are very different from earlier

plans.

39. The proposed plan states the site's uses will be 535 homes, business, retail, tourism and community. It then points to the Torvean and Ness-side Development Brief to provide more detail as to what is proposed. From this it is apparent that the majority of IN24 is not proposed for built development but for open space uses, most notably a golf course, cemetery extension and sports pitches.

40. The plan should be capable of being understood as a stand-alone document. While the open space uses could potentially fall under the community description, overall I consider that the plan, if taken in isolation, gives a misleading impression of what development is proposed at IN24. A straightforward reading of the plan could indicate that built development was proposed over the entirety of this area. The broad-brush approach taken at IN24 is also at odds with the detailed nature of the allocations in some other parts of the proposed plan.

41. Paragraph 139 of Circular 6/2013: Development Planning states that development proposals of more than local impact should be included in the local development plan and not in supplementary guidance. In this case I consider that the separate proposals for a relocated golf course, sports hub (intended to serve the city as a whole), and 535 houses are each of a level of significance that warrant inclusion individually in the plan itself. I therefore agree with Mr Gallagher's representation (and the Sportscotland representation catalogued under Issue 12, IN24) that the high level approach taken by the plan to this land provides insufficient detail as to what is proposed, and recommend that the main sports/ community uses are separated out from the IN24 allocation and shown instead as separate community allocations.

42. In making this recommendation I note that the Torvean and Ness-side Development Brief has itself been subject to public consultation and has been adopted by the council as supplementary guidance. The separate proposals contained in the development brief therefore already form a part of the development plan. My recommendation therefore simply serves to ensure that these established proposals are appropriately represented in the local development plan.

43. Inverness Rowing Club (together with Highland Rugby Club and Torvean Golf Club) believe the proposed plan exhibits a lack of commitment to the sports aspects of the vision for the Torvean area. As discussed above, I agree that the proposed wording for site IN24 gives very little indication that sports use will in fact be the biggest component of the allocation. My recommendation to separate out the most significant sports proposals will go some way to redress this.

44. The Rowing Club also proposes an amended form of words for the fifth bullet point of paragraph 4.9 of the proposed plan. The main practical additional proposed reference is to 'meeting facilities'. It is apparent from the Torvean and Ness-side Development Brief that new clubhouses do form a part of what is proposed, so I agree that including 'meeting facilities' will better capture what is intended here. I therefore recommend that these words be incorporated into the plan.

45. Regarding opposition to the West Link road scheme, this matter is discussed in more detail under issue 12, but I note here that this scheme now has the benefit of planning permission. The Rowing Club has also submitted comments on the West Link road scheme, but these appear to be directed at the detail of an earlier consultation on this

proposal, and not at the conceptual line contained in the proposed plan. I therefore recommend no modification relating to this proposal.

46. Changes to the action programme fall outwith the scope of this examination.

47. It may be that the vagueness of the current IN24 allocation contributed to the concerns expressed about the loss of bird habitat between Torvean Quarry and Craig Dunain hill. In fact this area is identified for golf course and cemetery uses in the Torvean and Ness-side Development Brief. I have no detailed evidence on this matter, but I expect that the effect of a change of use from farmland to a golf course or cemetery may be expected to have differing impacts on different species of bird. However the main concern of the representee appears to be that this area should remain as open green space. As this is what is proposed, I conclude that no modification is required.

48. The council is clearly aware that surface water drainage presents a challenge for the development of the land west of Millerton Avenue. However sufficient land appears to be available for the creation of sustainable drainage systems, and I agree that the topography would appear to allow for water to be channelled to the south of the site. The detailed design of these features can be addressed at the development management stage, but I am satisfied that drainage does not present such a significant constraint as to render this land unsuitable for development in principle. More generally, the detailed design and layout of new development in this area is not a matter I would expect to be described in a local development plan.

49. Scottish Canals calls for a detailed masterplan to be required for the area around the proposed new canal basin. Clearly this important proposal (which is included in the Torvean and Ness-side Development Brief) will require further work, including to consider its viability and integration with the local transport network. However a development brief is already in place for the wider area, and I am not convinced that a requirement for a further piece of guidance need be included in the plan. While being worthwhile, it appears to me that any further masterplanning specifically for the canal basin can proceed on a non-statutory basis without requiring a specific reference in the plan.

50. The council has suggested a minor change to the IN24 boundary to remove land used as a clubhouse and parking by the local american football club. This suggestion does not appear to arise from any representation on the plan, and so it is beyond the scope of the examination to consider this change.

IN25 Torvean Quarry

51. This site (which was unoccupied at the time of my site inspection) contains several large open areas interspersed by vegetation of varying maturity. A certain amount of dumping had taken place, and I consider it would be worthwhile for a beneficial use to be found for the site.

52. Regarding the proposed use of the site as a temporary stop site for travellers, I note that the site benefits from an access onto the main road, but is visually relatively well-screened from the A82 and from surrounding areas by woodland and the topography of the quarry. This screening could be improved further through additional tree planting as proposed by the council. The former Longman Landfill site is also identified for a temporary stop site, but I see no conflict in having two such proposals in the city. On this basis I am satisfied that Torvean Quarry could be suitable as a temporary stop site,

subject to an additional requirement for further tree screening.

53. Regarding woodland around the site, I agree this is a valuable feature worthy of protection in the plan. I therefore recommend some additional wording to secure this.

54. It was apparent from my site inspection that the site is well used by trail motorcycles. The continuation of this use is already referenced in the plan. If this use is to continue, there must be some potential for conflict with the other proposed uses due to noise and disturbance. I therefore consider that the preparation of a Recreational Access Plan would be sensible and recommend this is added as a requirement into the plan.

IN26 West of Hawthorn Drive

55. The proposed horticultural uses for this site match those that currently exist. The expressed concerns about anti-social behaviour are essentially a management issue that does not fall to the development plan to address. No modification is required.

IN28 Inverness High School

56. Concerns are expressed about this site being redeveloped for a non-educational use. However the proposed plan specifically safeguards the site for education, and on this basis I conclude that the concerns appear to have been fully addressed in the plan.

IN29 Dunain Woodland

57. The community woodland allocation is supported, with suggestions this could be extended, the lease or ownership obtained from the current owner, and the area protected from development. The area of the allocation extends from Dunain Hill to the A82, but does not include the strip of woodland along this road. Given the public access aspects of the community woodland concept, it may not be appropriate to extend the designation alongside the main road. Ownership is not a matter that can be controlled by the local development plan. The plan states that the area is safeguarded for community woodland use only. For these reasons I conclude that no modification is necessary.

IN30 Carse Industrial Estate

58. This site is an integral part of the Carse Industrial Estate and has an established planning status as a business/ industry allocation in the existing Inverness Local Plan. The council states that extant planning permissions are also in place. Some development has already proceeded on the site and been occupied. In terms of flood risk, there is no apparent difference between the allocated site and the remainder of the estate. However the plan does already contain a requirement for a flood risk assessment, and notes that the outcome of this might affect the developable site area. The Scottish Environment Protection Agency has supplied no evidence to demonstrate that an unacceptable flood risk exists on this site. The Titanic Museum has not indicated what alternative designation it would wish to see. On the basis of all these considerations my conclusion is that the allocation should be retained.

Reporter's recommendations:

It is recommended that:

1. Amend the fifth bullet point of paragraph 4.9 to read: "Land for enhanced recreational and sporting facilities at Torvean comprising a better golf course, additional sports pitches, changing and meeting facilities, and trails."
2. The following words be added to the requirements for site IN19 Clachnaharry Quarry after "A862;": "implementation of a suitable scheme to reduce vehicle speeds on the A862;"
3. Include the words "existing woodland" after "heritage features" among the requirements for site IN21 Muirtown Basin;
4. The following words be added to the requirements for site IN22 Highland Council HQ: "retention of existing mature trees and setback of development from these trees; retention of existing pedestrian access routes through the site; the provision of a proportion of individual housing development plots; compatibility with the character of adjoining development."
5. The areas identified for golf course/golf course or parkland use in the Torvean and Ness-side Development Brief be separated out and identified as a separate community allocation in the text of the plan and on the West Inverness map. Relevant site area to be included. Uses to be given as golf course/ golf course or parkland and related facilities. Requirements to read "Development in accordance with the Torvean and Ness-side Development Brief".
6. The areas identified for cemetery use in the Torvean and Ness-side Development Brief be separated out and identified as a separate community allocation in the text of the plan and on the West Inverness map. Relevant site area to be included. Uses to be given as cemetery extension. Requirements to read "Development in accordance with the Torvean and Ness-side Development Brief".
7. The areas identified for sports use in the Torvean and Ness-side Development Brief be separated out and identified as separate community allocations in the text of the plan and on the West Inverness map. Relevant site areas to be included. Uses to be given as sports pitches and related facilities. Requirements to read "Development in accordance with the Torvean and Ness-side Development Brief".
8. The following words be added at the end of the requirements for site IN25 Torvean Quarry: "additional tree screening; protection of ancient woodland within and around the site; preparation of a Recreational Access Management Plan."

Issue 12	South Inverness	
Development plan reference:	(Paras. 4.11-4.14, Pages 41-47)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Brian Ashman (00067) Highland Housing Alliance (00202) Lochardil & Drummond Community Council (00304) Dr Donald Boyd, Westhill Community Council (00324) Halliday Fraser Munro (00428) Cathy Stafford (00511) Dereck Mackenzie (00678) Brian Grant (00769) Inverness Estates (00944) Cardrona Charitable Trust (00988) Simpson Highview Ltd (01058) Burt Boulton Holdings Ltd (01209) Edinburgh Woollen Mill Group - Holm Mills (01254) Pumford (01282) Cole-Hamilton & Co Ltd (01573) Inverness South Community Council (01606) Chrissie Lacey (01716) Sportscotland (02087) Derek Clunas (02209) John Lister (02223) George Boyd (03928) Margaret Fraser (03931) Robert Robertson (03933) Iain Watt (03938) Kyrstn Calder (03939) Highland Council Psychological Service (03952) Graham Calder (03954) Brian Cameron (03965) Karen Mcwilliam (03979) George Moodie (04011) Slioch Ltd (04015) Robert Roberts (04020) Dougal Macdougall (04035) Alan Ogilvie (04038) Mr G J And Mrs C H Innes (04039) Fraser Morrison (04074) Kevin Macdonald (04075) Catherine Collins (04081)</p>	<p>Liam Dalgarno (04129) Ian Anderson (04132) Clive Brook (04134) Ruth Hunter (04147), (04148) Avril Geddes (04170) Alexander Johnston (04175) Jonathan Croall (04177) Jodi Sharpe (04186) Kevin Macdonald (04196) Ian Bone (04197) Kamila Baird (04203) Lesley Blaikie (04210) Jacqueline Dowd (04227) Mark Esslemont (04229) James Granger (04237) Sandra Grant (04238) Meg Gunn (04243) Brian Guthrie (04244) Lisa Handcock (04245) Gavin Beaton (04251) Dan Baraclough (04252) Clare Buchanan (04254) Murray Campbell (04255) Braes of Balvonie HC Residents' Association (04256) Eddie Fraser (04263) Ann Czerniakiewicz (04265) Seonaid Duncan (04268) Douglas Johnston (04272) Craig Henry (04273) Kathleen Ledingham (04277) George Ledingham (04279) Yvonne Laird (04282) Michael King (04284) John Kirk (04285) Caroline Fraser (04286) Allan Macdonald (04288) Linda Lyle (04290) Lesley Mackay (04291) John Machin (04294) Kenneth Macdonald (04295) Marc Macdonald (04296) Sharon Mackay (04297)</p>	

<p>Chandrasekharan Badrakumar (04086) Nigel Collins (04092) Vanessa Mcleod (04122) Nicola Macpherson (04302) Peter Macpherson (04303) Karen Macleod (04304) Lindsay Macphee (04309) Alan Young (04310) David Mcintosh (04311) Arlene Moodie (04312) Nicola Morrison (04315) Duncan Marshall (04318) Anne Pollock (04333) Donald Murray (04336) Natalie Murray (04341) Rona Quigley (04344) Robert Rennie (04352) Maria de la Torre, Lochardil & Drummond Community Council (04353) Woodland Trust (04364) Barry Robins (04367) Alison Tait (04377) Mark Tait (04379) Highland Small Communities Housing Trust (04381)</p>	<p>Donna Macmillan (04299) Murdo Macleod (04300) S Tongue (04383) John Walters (04390) Jo & David Whillis (04393) Scottish Widows Investment Partnership Property Trust (04403) F&C Reit Asset Management (04407) Tulloch Homes Ltd (04415) Joint Submission obo Mr & Mrs Grant + Simpson Highview Ltd (04419) Richard Tyser Overseas Settlement (04431) Tulloch Ltd (04433) Muriel Munro (04455) Elizabeth Rae (04459) Murdo Gordon (04470) Stephen Innes (04471) John Watt (04504) Mr & Mrs C Leonard (04508) Thomas Stewart (04521) Grant & Sharon Mackay (04526) Alison Macrae (04549) A Menzies (04555) Dwynwen Hopcroft (03935)</p>
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<p>Provision of the development plan to which the issue relates:</p>	<p>South Inverness urban district</p>
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Planning authority's summary of the representation(s):

General

Pumford (01282) - Welcomes Plan's retention of greenspace at Fairways and progress with Inshes Park. However, requests additional primary school at Slackbuie because of safety risks of crossing Southern Distributor Road and the need to encourage active travel to school via a safer route.

Tulloch Ltd (04433) - Requests more flexibility in uses because: the allocation boundaries don't match the permission boundaries; the allocations run contrary to the extant permission for a care home; allocations are too prescriptive and therefore restrictive and are based on dated permissions; a more flexible use mix will make the district centre more viable and remove a prominent, vacant frontage site and other land that could become long term waste grounds; of lack of sufficient retail demand in the area; the retail component of the district centre is disproportionate to the neighbourhood size and catchment served and should be reduced; the allocations prevent the prospects of a mix of uses within a building for example flats over shops; the owner is prepared to provide a mix of uses not just housing; a care home use is compatible with a district centre, and; the market viability of any proposal is best tested via a masterplan not the Plan process.

Pumford (01282) - Supports identification of burnsidings as green corridors but wants flood relief channel extension to A9 prior to any more large housing allocations.

Donna Macmillan (04299) - Opposes high density development within Inshes area because: already inadequate local infrastructure particularly road network and schools; developments speculative, and; of adverse impact on public amenity, greenspace and wildlife.

Murdo Macleod (04300) - Objects because: of loss of valuable open space; loss of residential amenity and privacy; of adverse impact on public safety, and; noise pollution.

Sandra Grant (04238) - Fewer houses and more amenities because: inadequate amenities to support number of houses; already inadequate local road network capacity, and; risk of flooding.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Requests reduced density and better, safer pedestrian connections because: of adverse impact on woodland and amenity; possible increased flood risk, and; new neighbourhoods and a new school will create different patterns of movement which should be safe and good quality routes.

Requests additional requirements because: of the need, and; to relieve congestion / safety issues with existing school parking.

Chrissie Lacey (01716) - Seeks greater and better greenspace provision because this is more beneficial to the health and well-being of the citizens than any built development. Supports Council's cherished greenspace notation at Fairways Golf Course.

New Sites Previously Consulted On

Slioch Ltd (04015) - Objects to non-retention of housing site option because: Council accepted it as a preferred option at Main Issues Report stage; it will provide local demand to encourage the retention of existing and provision of new facilities at Milton of Leys; new site will provide more housing choice in terms of location and housing type; site offers an attractive outlook and has service connections closeby; objectors have exaggerated their concerns and the Council has given their views disproportionate weight; potential ransoms are an issue for landowner negotiation not a material planning consideration, and; site complies with tests within Planning Advice Note PAN 2/2010 Affordable Housing and Housing Land Audits.

Dereck Mackenzie (00678) - Requests reintroduction of site because: woodland, flooding, badger and access constraints can be overcome; road access has been reserved through the adjoining Parks farm development and could easily be connected; other road access options are also available; woodland and badger issues are not subject to any designations and can be addressed by detailed surveys and suitable mitigation at planning application stage; the two watercourses are not mapped by SEPA as flood risk areas;

there are no landscape designations or contamination issues affecting the site; the Council's assessment of the site concedes that low density development is feasible within the site and that access from Parks Farm could yield wider active travel benefits, and; the site meets all the Scottish Government's effective land supply criteria and will therefore contribute to the quantity and qualitative choice of housing sites available. Queries why the site is outwith the Council's City boundary and undesignated.

Brian Grant (00769) - Objects to non-identification of site because: it was preferred by the Council at Main Issues Report stage; insufficient information has been provided to justify its exclusion; the site has an attractive outlook; it is reasonably close to the Milton of Leys neighbourhood centre and will help sustain it; there is no evidence of an over-supply of housing land in Inverness; site can be serviced; negotiation of ransom issues is a matter between landowners, and; it will contribute to housing choice and complies with the Government's effective housing land supply criteria in terms of being marketable, available, serviceable and free of constraints.

IN24 Torvean & Ness-side (Southern part)

Edinburgh Woollen Mill Group - Holm Mills (01254) - Supports allocation and related Brief because of its recognition of the existing retail and tourism use and its potential for expansion.

Dougal Macdougall (04035) - Believes that West Link road alignment shown will not divert traffic from city because it is too indirect even though it will serve the development area. Concerned that there is inadequate sewerage capacity for the allocated development and that a new sewage plant is needed for the city at Ardersier.

Halliday Fraser Munro (00428) - Supports allocation because: a critical part of the City's housing land supply; already allocated for development in successive development plans; it is in a thoroughly sustainable location, and; it will facilitate the delivery of the West Link Road which is crucial to the functioning of the western side of the City.

Ian Anderson (04132) - Opposes development because: of loss of greenspace; of loss of amenity; it will be rejected at planning application stage anyway; of loss of wild land and farmland; of longstanding use of area for informal recreation and wildlife exploration; of loss of accessible countryside for neighbouring community, and; alternative parkland at Torvean is not an adequate substitute as it is not accessible to Holm residents.

Cardrona Charitable Trust (00988) - Supports allocation of its land at Milton of Ness-side but urges that site's development should not be delayed by West Link road scheme because the related Development Brief has been adopted and it wishes to proceed to pre-application soon.

Dr Donald Boyd, Westhill Community Council (00324) - Wants allocation reconsidered in light of new West Link road options because: majority of public favour different West Link solutions and these are cost competitive with the Council's West Link scheme which will have an adverse impact on existing recreational areas, is not properly costed and funded, does not deliver proven traffic benefits, has not followed a transparent decision making procedure and may never cross the canal.

Sport Scotland (02087) - Requests a further, detailed, masterplan developer requirement because: the sports clubs should be given a firmer, more detailed commitment to the new

facilities they will enjoy, and; they and the wider public need to know how housing and other development will integrate with these new facilities.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Maria de la Torre, Lochardil and Drummond Community Council (04353) - Seeks additional developer requirement regarding better connections because: safety of schoolchildren will be very important in the layout of the new neighbourhoods; the existing routes are already very well used by all types of users, and; the link to Dores is important because it is a key tourist destination.

Derek Clunas (02209) - Supports Plan as written.

Burt Boulton Holdings Ltd (01209) - Burt Boulton Holdings Ltd (BBH) wishes to maximise the developable portion and value of its landownership at Ness-side. It has also lodged parallel objections to the associated West Link Road Scheme planning application and its compulsory purchase orders. BBH is concerned about the construction stage effects that the West Link road scheme will have on their land (and occupiers of buildings on that land) and the consequential effect on the scope and form of development on the remainder of their land. Also concerns over economic viability given the proposed level and unjustified nature of planning gain contributions. BBH believes the earlier Charrette indicative masterplan that showed very little open space and more housing development on its land should have been followed through into statutory planning policy. BBH believes the subsequent Torvean and Ness-side Development Brief shows an excessive and unnecessary land take for road and drainage infrastructure. In particular, BBH believes the Mill Lade roundabout is too large and doesn't need 2 legs into the BBH owned land, that there is no need for a distributor road through its landownership (the route may also become a rat-run causing amenity issues), that any pedestrian/cyclist connection should be minimised, and that the surface water and waste water infrastructure areas shown on the Brief masterplan are excessive and have not been justified by any engineering study. It believes its landholding would better be developed via separate accesses from Dores Road (using the BBH existing access road) and a single West Link roundabout leg. It feels the Brief masterplan also creates ransom problems. BBH believes that its landholding does not need a distributor road connection through it because bus routes are available along Dores Road and if necessary along West Link. The Council's approval of its own Brief didn't allow any independent hearing of objections to it. BBH believes it is taking an excessive not equitable share of the funding and delivery of communal infrastructure items. BBH disputes that varying densities is an effective mechanism for equalisation of development costs and values across Ness-side because higher densities don't equal higher value. BBH believes the Council should take a stronger lead in deciding who develops and when. It also believes that the Council should produce a financial viability appraisal to prove that sites can be developed economically given the balance of development costs to development value – the Council has chosen to allocate the land so should prove that it is effective. BBH also believes that operational access should be maintained to its land north of West Link. It also believes that the Construction and Environmental Management Plan is required to mitigate for operational impacts on existing tenants during the construction phase of West Link.

IN31 Ness Castle

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Richard Tyser Overseas Settlement (04431) - Supports allocation but requests factual correction so that the figure for the playing field is consistent with the signed Section 75 Agreement which accompanied the planning permission reference no. 04/00585/OUTIN.

IN32 Knocknagael

Brian Cameron (03965) - Urges reconsideration of allocation because: loss of one of few remaining greenspaces in the local area; lack of supporting community facilities; possible adverse impact on Torbreck woodland, and; increase in traffic on local road network.

Margaret Fraser (03931) - Opposes built development because: loss of productive agricultural land; loss of open countryside; adverse impact on wildlife; noise pollution; increase in traffic; over development, and; safety of schoolchildren at Essich Road / SDR junction.

Mr G J & Mrs C H Innes (04039) - Expresses concern that these open fields currently hold water run-off from the Knocknagael hill slopes and any reduction in this storage capacity is likely to adversely affect the Holm Dell housing area in terms of flooding.

Fraser Morrison (04074) - Opposes development because: already plans to build nearly 1000 houses closeby at Ness Castle; inadequate supporting infrastructure and not cost effective to build more; previous planning application attracted local opposition and was withdrawn; better left undeveloped or used entirety for community as allotments and / or other community facility such as an all weather sports facility or similar as there is a lack of sporting facilities in this part of the City; loss of quiet rural character, and; no local support for development.

John Lister (02223) - Opposes any development because: Plan does not contain a justification for it; if site is unsuitable for livestock and farm machinery access then it's also unsuitable for construction traffic access; land is productive and should be offered to another local farm unit; flood relief channel is untested and may breach and flood potential housing site, and; Crofters Commission have not been open and transparent about their reasons for declaring the land surplus to farming use.

Jodi Sharpe (04186) - Objects to housing development because: inadequate primary school capacity and loss of recreational space if these were extended again; IRA secondary school will have limited additional capacity for children from new housing; of loss of greenspace; of adverse visual impact; displacement of protected and other species; of loss of productive farmland, and; lack of justification for why land is surplus.

Ian Bone (04197) - Objects to housing development because: of loss of prime farmland; of loss of habitat and consequent adverse impact on protected and other species; better, alternative housing sites (undefined), and; inadequate primary school capacity.

Brian Guthrie (04244) - Objects because: of loss of good farmland; of loss or reduction in green corridor linking Lochardil Woods to surrounding countryside, and; inadequate primary and secondary school capacity.

Allan Macdonald (04288) - Opposes housing development because: of lack of detail on actual housing layout; irreversible loss of prime farmland; inadequate provision of public parkland/greenbelt, and; proximity to flood relief channel.

Yvonne Laird (04282) - Objects because: increase in traffic and consequent increased safety risks to children's routes to school and cycling routes; inadequate primary school capacity; disruption to and displacement of wildlife, and; more housing development will eventually create more older housing which will create more deprived areas.

Marc Macdonald (04296) - Objects because developer of his property told him that next field would not be developed.

Maria de la Torre, Lochardil and Drummond Community Council (04353) - Objects to built development because: of loss of good quality agricultural land; of strength of community opposition to previous application; allotments or retained farmland would be a more productive use; of risk of flooding from relief channel over-topping to lower ground, and; of loss of flood storage area and consequent increased risk to downslope housing areas.

Robert Rennie (04352) - Objects because of: extent of community opposition to previous application; lack of developer consultation with local community; loss of good quality agricultural land that is still cropped and is therefore not surplus; the need to cross subsidise the related bull stud farm development is not relevant to a planning decision; the relief channel could overtop and flood this lower ground; loss of flood storage which will increase flood risk to adjoining existing houses downslope of the site; loss of woodland to north of site; inadequate school capacity, and; better allocated housing site alternatives available.

Elizabeth Rae (04459) - Seeks changes to mitigate impact of new development to: eliminate overlooking of Essich Gardens properties taking account of difference in ground levels; ensure no loss of privacy; ensure no loss of daylight, and; take account of some neighbours living alone and being elderly.

John Watt (04504) - Objects because: the land is currently used for training prospective young farmers, the field is near the farm and is an asset to the college; of loss of good agricultural land; loss of feeding ground habitat and consequent adverse impact on species in adjoining woodland; inadequate road capacity on Essich Road and at Southern Distributor Road junction, and; adverse safety impact on pedestrian/cyclist routes to school because there will be more traffic and there are insufficient controlled crossings.

Alan Ogilvie (04038) - Objects to inclusion and early phasing of site because: client has a preferable site; Council previously stated there is no shortfall of effective housing land within Inverness City and yet included this additional site; of loss of countryside character and green wedge from adopted local plan; unfair on purchasers of houses at Culduthel who thought they were buying houses on the urban edge; of public opposition to recent planning application; client's land is better in terms of landscape containment and is not part of working farm; site is obtrusive on open land between two housing areas; prejudicial to marketability of long allocated sites; will use up limited spare capacity at local primary schools; the Council is being unduly persuaded by a Government agency, and; the site

would better be used for allotments and/or small agricultural units.

IN36 Morning Field Road/B861

Anne Pollock (04333) - Capacity too high because: overdevelopment of the space available, and; need to safeguard land for access roads.

Duncan Marshall (04318) - Seeks deletion of site or greatly reduced capacity because: site surrounded by roads; of increased congestion and parking problems; overdevelopment; loss of open space; extra pressure on local facilities; lack of sufficient detail to assess impacts, and; out of character with the area.

IN40 Parks Farm

Karen Mcwilliam (03979) - Supports unless existing permission not fully implemented because fearful of loss of greenspace and loss of views/residential amenity.

Pumford (01282) - Objects to vehicular connection between Parks Farm and Druid Temple because: General Wades Road well used by cyclists and walkers, and; houses and farms to south of connection may have their access blocked off.

Inverness South Community Council (01606) - A connection to General Wades Road would not be suitable because it is too narrow.

IN41 Thistle Road

Slioch Ltd (04015) - Requests that allocation matches details of extant, detailed permission ref. 08/00255/FULIN which was issued on 28th July 2009 for 13 new houses (including 4 affordable for which a Section 75 is in place). Comments that demolition of an old steading has already been completed under this.

IN44 Inshes Small Holdings (north)

Chandrasekharan Badrakumar (04086) - Opposes development because: of loss of greenspace; poor water pressure; inadequate water supply; flooding already occurs downslope of the allocation and affects existing houses and development will make this worse; local developer has not complied with previous planning requirements on drainage matters; inadequate local road network in terms of its condition and maintenance, and; the density proposed is too high and will exacerbate all these problems.

Meg Gunn (04243) - Seeks reduction in density and impact of development because: stated capacity will lead to overdevelopment; previous appeal decision rejected; previous planning permission refused; loss of rural character, and; new development should be compatible in terms of density and height with that adjacent.

Linda Lyle (04290) - Requests reduced capacity because: site is rural in character; proposed density (29 houses per hectare) is excessive; of existing surface water drainage and water pressure problems in the area which will be exacerbated by further development, and; better sites are available for higher density housing.

Jo & David Whillis (04393) - Seeks reduction in density and impact of development because: developable area is far lower than stated in Plan because of woodland which is

protected by Tree Preservation Order and need for surface water drainage devices; stated capacity will lead to overdevelopment; previous appeal decision rejected development on the basis of overdevelopment; previous planning permission refused; site lies next to green wedge; loss of rural character, and; new development should be compatible in terms of density and height with that adjacent.

John Machin (04294) - Seeks reduction in density and impact of development because: density assumption is formulaic rather than related to particular site circumstances; the allocation hectarage is larger than the appeal decision hectarage; developable area is far lower than stated in Plan because of woodland which is protected by Tree Preservation Order, the need for surface water drainage devices and the steepness of the slope; stated capacity will lead to overdevelopment; previous appeal decision rejected development on the basis of overdevelopment; previous planning permission refused; site lies next to green wedge; loss of rural character, and; new development should be compatible in terms of density and height with that adjacent.

Murray Campbell (04255) - Seeks reduction in density and impact of development because: the allocation hectarage is larger than the appeal decision hectarage; developable area is far lower than stated in Plan because of the steepness of the slope; stated capacity will lead to overdevelopment, and; loss of rural character, residential amenity and privacy.

Michael King (04284) - Seeks reduction in site capacity because: site area incorrect and should read 4.6 hectares; parts of wider site not developable; previous appeal decision considered the previous proposal an over development of the site; steepness of slope should also the site's capacity, and; affordable, denser housing should be dispersed more evenly across the site not concentrated on the northern edge.

Caroline Fraser (04286) - Seeks reduction because: overdevelopment of site, and; existing surface water drainage problems will be exacerbated.

Eddie Fraser (04263) - Objects to development because: existing flooding from surface water drainage problems will be exacerbated; fly tipping may have occurred on site and may get worse with an increased risk of contamination; denser affordable housing blocks will not be compatible with lower density housing adjacent on northern edge of site; land could be left as open countryside as an amenity for the neighbourhood; inadequate supporting infrastructure capacity, and; the site size is incorrect and should be 4.6 hectares and therefore a more acceptable capacity would be 92 dwellings but should be even lower because the site is sloping.

IN45 Inshes Small Holdings (south)

Seonaid Duncan (04268) - Objects because: her family own, work and intend to continue to work Inshes Farm; of loss of habitat and consequent adverse impact on protected and other species; of support from Crofting Commission for continued working of smallholdings/crofts; of recent flood events and consequent difficulty in getting house insurance; inadequate existing drainage system; inadequate primary school and school parking capacity, and; of increased air pollution.

IN46 Balvonie, Milton of Leys

Iain Watt (03938) - Seeks exclusion of greenspace because: land is essential for the

community to walk on and exercise the dogs; house sales details clearly marked area as being greenspace; of loss of privacy/overlooking of occupants of Braes of Balonie and Pinewood Drive; adverse impact on private views; construction work would be dangerous in an area where many young children frequently play on the streets; adverse noise impact; loss of quality of life, and; inadequate primary school capacity.

Braes of Balvonie HC Residents' Association (04256) - Opposes current density because: of loss of views from neighbouring, existing properties; new development should be compatible with that adjacent, and; existing topography should be preserved.

Lindsay Macphee (04309) - Opposes any further housebuilding within the allocation boundary because: no amenities for teenagers at present and increasing this age group will add to existing anti-social behaviour problems; loss of wildlife habitat; adverse impact on protected and other species; unacceptable increase in traffic and parking pressure; loss of quality of life, and; inadequate primary school capacity.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Braes of Balvonie HC Residents' Association (04256) - Urges that adjoining development site has its own, adequate play space provision because Braes of Balvonie play park is being used by users from outwith the Housing Expo development leading to problems with dog fouling, anti-social behaviour by unsupervised children and vandalism.

IN47 North East of Milton of Leys School

Robert Roberts (04020) - Objects to housing rather than community use because: latest permissions do not support housing here; original masterplan envisaged a care home on this land not mainstream housing; the appeal decision was only in favour of specialist not mainstream housing; the Council have already approved a planning permission for a community use on the site, and the owner/developer has not provided expected community facilities elsewhere within the neighbourhood.

Catherine Collins (04081) - Reallocation necessary because: there is a deficiency of community facilities for a neighbourhood of over 900 houses, and; there is already an adequate supply of housing land and houses.

Ruth Hunter (04147) - Urges reallocation for community use because: this is what it was originally zoned for; planning permission was granted for a community park on this land, and; the charitable homes permission is unlikely to be implemented.

Jonathan Croall (04177) - Requests that allocation replicates previous district centre permission because this is the correct planning history for the site and no housing permission exists on this site.

Pumford (01282) - Objects to housing because: adequate housing allocated close by and elsewhere; Milton of Leys has a deficiency of community facilities, and; the appeal decision was only in favour of very specialist housing.

Inverness South Community Council (01606) - Opposes residential use because of planning application history of site and content of Milton of Leys Development Brief which both don't support mainstream housing use. Also there is a deficiency of community facilities within the neighbourhood compared to the number of houses built and planned.

IN48 Land at Housing Expo Site

Ruth Hunter (04148) - Opposes further housing development because of inadequate primary school capacity. The currently planned extension is not sized to accommodate any further, additional housing.

Kamila Baird (04203) - Objects because: of adverse visual impact; overdevelopment of site; not likely to be in keeping with the adjacent Expo site; of loss of the only green space on the estate; too close to woodland; adverse impact on protected and other species especially badgers; better alternative uses such as community; Expo site still not finished; excessive proportion of affordable housing in area, and; inadequate parking provision already and this will be exacerbated by further development.

Braes of Balvonie HC Residents' Association (04256) - Requests height restriction so existing residents' views are not compromised by further development.

No development to commence on Phase 2 until Phase 1 complete because there are 3 incomplete houses at the top of the site, "Balvonie Terrace" which should be completed and offered for sale, or simply offered for sale "as is".

Requests additional design requirement because: Phase 2 houses should be in keeping with the design principles for Phase 1; Phase 2 houses should not be similar to the poorly designed houses within the rest of Milton of Leys; of adverse impact on residential amenity, and; of perceived risk of property depreciation.

Requests reduced density because: Phase 1 development was too dense and has led to parking problems, and; profitability shouldn't dictate the acceptable density of a site even for affordable housing.

Dwynwen Hopcroft (03935) - Requests capacity reduction and architectural safeguards because: Phase 1 is a leading example of design, sustainability, innovation and efficiency; quality of life of existing residents would be significantly and adversely affected by high density development adjoining; of adverse impact on community feeling; of noise pollution and increased safety risk from increased traffic; of lack of parking provision, and; of adverse impact on well established green and play area.

IN49 Bogbain (west)

Graham Calder (03954) - Objects to any built development because: area of great natural beauty; used by locals and visitors for quiet recreation; loss of wildlife habitat; of noise and disruption of building works; adverse impact on quiet residential amenity; inadequate supporting facilities; better used for expanded foot and cycle path network which would have health benefits, and; development likely to be speculative and of poor design.

Kyrstn Calder (03939) - Opposes any built development because: area well used for informal recreation and could have even greater use with enhanced paths and other facilities; loss of quality of life; loss of habitat; no alternative recreational facilities within

Milton of Leys; current use supports healthy living agenda; no local housing need; loss of quiet residential amenity, and; commercial uses such as a hotel no real benefit to local residents.

George Moodie (04011) - Objects because: adjoining housing already provides a natural city boundary; allocation cuts into Bogbain Wood which should be preserved and enhanced as a recreational asset; loss of an area of outstanding natural beauty; loss of habitat and displacement of wildlife including protected species; loss of woodland; loss of well used by a variety of users footpaths; absence of alternative, formal recreational facilities within the Milton of Leys neighbourhood; other better, allocated/permitted housing sites; long construction phase disturbance; land behind Redwood Avenue prone to flooding; more development will exacerbate current speeding problem of many vehicles using the distributor road as a short cut to the A9 further increasing Milton of Leys schoolchildren safety issues; inadequate primary school capacity and finite ability to expand school site and class sizes, and; existing commercial area not developed so no need for another area that would lie vacant.

Kevin Macdonald (04075) - Opposes built development because: poor ground conditions; subject to flood risk and its development could cause increased flood risk to adjacent existing properties; badger setts present and possible adverse impact on this protected and other species; current use of the pond for educational trips, and; of the health benefits of retaining a recreational area close to the City especially for younger people in line with the health agenda promoted by schools and government;

Catherine Collins (04081) - Objects because: of loss of woodland habitat; of loss of scenic quality of area, and; adverse landscape impact - all of which attracted residents to this area in the first place. Loss of residential amenity.

Catherine Collins (04081) - Opposes development because: adverse impact on road safety and parking; increased traffic on road network; increase in non porous hard surfaces will increase the risk of fluvial and pluvial flooding; inadequate water and sewerage capacity; of risk of contamination, and; adverse natural heritage impacts.

Nigel Collins (04092) - Objects to built development because: children and other pedestrian safety issues of taking road access through Redwood Avenue; reduction in quality of life; loss of a well used recreational area which is a scarce resource within Milton of Leys; area should be a special landscape area because of the presence of several species which would be affected by the loss of woodland and wetland habitat; inadequate local play facilities; inadequate primary school capacity; poor ground conditions; existing flood risk would be worsened; of loss of rural quality of life, and; that development would breach an obvious existing city boundary.

Liam Dalgarno (04129) - Opposes development because: of loss of quality of life; of loss of valuable open space; adverse impact on local wildlife; inadequate primary school capacity, finite capacity of site to extend and undesirability of being educated in a large primary school; unacceptable increase in traffic volume and traffic safety issues particularly at the primary school; of loss of privacy and sunlight by development being at a higher level; of exacerbation of existing flooding problems to the rear of Redwood Avenue; loss of residential amenity; of noise pollution; loss of Bogbain Wood as a city wide amenity which should be protected by the Council's natural heritage policies; used for environmental education by local schools; of adverse impact on protected and other species; other better, allocated housing sites closer to city centre, and; loss of scenic

quality.

Ruth Hunter (04147) - Seeks reduction in development capacity because: of the need to assess and then safeguard environmentally sensitive features such as the pond and wetland from pollution and damage; of the need to safeguard some local, easily accessible open space; the only vehicular access point is wholly inadequate; of adverse impact on road safety from extra traffic generated by dense development, and; inadequate primary school capacity.

Avril Geddes (04170) - Opposes development because: loss of scenic beauty spot; loss of well used informal recreational area which is important to promoting healthy living; adverse environmental impact; lack of local facilities; already adequate housing land, and; loss of woodland.

Jonathan Croall (04177) - Opposes any development on site because: the existing limit of development is a natural city boundary; of loss of greenspace; the land is a well used informal recreation area used by residents from across the city; of loss of habitat and consequent adverse impact upon protected and other species; of loss of educational asset; inadequate primary school capacity, and; adequate housing sites elsewhere.

Kevin Macdonald (04196) - Objects to development because: of loss of open countryside green belt; of loss of habitat and consequent protected and other species adverse impact; of adverse impact on views from key tourist footpath; of noise pollution; of loss of rural character; of loss of well used informal recreation area, and; inadequate local road and primary school capacity.

Pumford (01282) - Requests more explicit developer requirements to safeguard the features that are enjoyed by locals.

Lesley Blaikie (04210) - Objects because: of loss of valuable and well used open space; of loss of natural habitat contrary to Council policy which will have an adverse impact on wildlife; of adverse visual impact; loss of residential amenity, and; loss of rural character.

Barry Robins (04367) - Objects to housing because: it breaches the natural southern limit of the City and encroaches upon a genuine wilderness area; of loss of quality of life; contrary to Council and national planning policies; of loss of residential amenity and rural character; of loss of well used informal recreation area which is an asset to the wider City; and; of lack of transparency in Plan's consultation process.

Rona Quigley (04344) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; contrary to Council and national planning policies; of loss of woodland; of loss of residential amenity and rural character; of loss of well used informal recreation area which is also used for environmental education purposes, and; inadequate primary school capacity.

Nicola Morrison (04315) - Objects because: inadequate road capacity for existing development and road safety will be further compromised by further development; inadequate primary school capacity and finite ability to extend it; lack of supporting commercial and community facilities; enterprises should be located at district centre site rather than a vacant business / retail park created, and; a larger school will lower educational standards.

Kathleen Ledingham (04277) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; contrary to Council and national planning policies; of loss of residential amenity and rural character, and; of loss of well used informal recreation area.

Nicola Macpherson (04302) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; of loss of woodland; of loss of residential amenity, privacy and rural character, and; of loss of well used informal recreation area which is also used for environmental education purposes.

Peter Macpherson (04303) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; of loss of woodland; of loss of residential amenity, privacy and rural character, and; of loss of well used informal recreation area which is also used for environmental education purposes.

David McIntosh (04311) - Objects because: of adverse impact on residential amenity; of loss of valuable open space, and; contrary to Government Planning Policy Statement PPS1, Para 17-19.

Arlene Moodie (04312) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; of loss of woodland; of loss of well used informal recreation area which is also used for environmental education purposes; inadequate road capacity for existing development and road safety will be further compromised by further development; inadequate primary school capacity and finite ability to extend without compromising educational standards; inadequate community supporting facilities such as a community centre which would reduce risk of increased anti-social behaviour; proposals speculative; of historical significance of area and its link to the Battle of Culloden, and; of lack of transparency in Plan process.

Lesley Mackay (04291) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; contrary to Council and national planning policies; of loss of woodland; of loss of residential amenity and rural character; of loss of well used informal recreation area which is also used for environmental education purposes; inadequate road capacity for existing development and road safety will be further compromised by further development; inadequate primary school capacity, and; of historical significance of area.

Karen Macleod (04304) - Objects because: of loss of habitat and consequent adverse impact on protected and other species contrary to Council policies; of loss of woodland; of loss of residential amenity, scenic quality and rural character, and; of loss of well used informal recreation area which is also used for environmental education purposes.

Nicola Morrison (04315) - Objects because: of loss of habitat and consequent adverse impact on protected and other species contrary to Council policies; of loss of woodland; of loss of residential amenity, scenic quality and rural character, and; of loss of well used informal recreation area and its path network.

George Ledingham (04279) - Objects because: of loss of habitat and consequent adverse impact on protected and other species contrary to Government policy; of loss of woodland; of loss of residential amenity, scenic quality and rural character, and; of loss of well used informal recreation area.

Alan Young (04310) - Objects because: of loss of habitat and consequent adverse impact on protected and other species; of increased air pollution; of reduced quality of life; of loss of woodland and consequent soil erosion and increased flood risk and undermining of building foundations; loss of well used informal recreation area; new houses may lay vacant if the recession continues creating social deprivation, and inadequate supporting infrastructure notably the local road network which is at capacity at school opening/closure times.

Donald Murray (04336) - Objects because: loss of well used informal recreational area which also provides an educational resource; neighbourhood already has a poor balance of greenspace to houses; contrary to national planning policy, and; more facilities should be provided first.

Jacqueline Dowd (04227) - Objects because: the area is well used by locals and visitors for a variety of informal recreation; loss of wetland and other habitat and therefore an adverse species impact; of noise pollution; previous flooding problems for existing housing which required diversion ditches but further development may change this drainage regime; loss of greenspace in a neighbourhood with a scarcity of it; loss of quality of life; lack of supporting facilities in particular primary school capacity, and; loss of privacy within garden ground.

Social Housing Providers in Highland (04381) - Supports allocation because it will provide a site which can be developed economically and that will, through the affordable housing policy, provide additional opportunities within the City.

Kenneth Macdonald (04295) - Objects because: loss of greenspace and well used by locals and visitors informal recreation area; of proximity to tourist information centre and the use of walks from there, and; adverse impact on wildlife.

James Granger (04237) - Objects because: of lack of supporting infrastructure such as shops; of safety issues at A9 junction which will be exacerbated by further development and vehicles, and; loss of green, open space.

John Walters (04390) - Objects because: of loss of wetland and other habitat and consequent adverse impact on protected and other species; of loss of woodland; of loss of residential amenity and rural character, and; of loss of well used informal recreation area which is also used for environmental education purposes.

John Kirk (04285) - Objects because of: loss of scenic beauty, natural habitat and well used informal recreation area; adverse impact on protected and other species; over-urbanisation, and; presence of better brownfield sites elsewhere.

Mark Tait (04379) - Objects because: adopted local plan allocation is dated, circumstances have changed and new Plan is an opportunity to review matters; of loss of habitat and biodiversity and consequent adverse impact on protected and other species; contrary to Council planning policies vision and strategy in particular Inverness Plan strategy and Highland wide Local Development Plan Policies 60, 74 and 75; better housing and employment sites are available elsewhere; the Plan accepts that the southern slopes of Inverness have a poorer microclimate and gradient constraints; of loss of accessible green/open space which contributes to the Council's healthier living aims; of loss of informal recreation area which has been well used over a long period and is also used for environmental education purposes, and; of adverse impacts on rights of way.

Craig Henry (04273) - Objects because of: loss of woodland; loss of well used informal recreation area; loss of habitat and consequent adverse effect upon protected and other species; need for more amenities for increasing local population.

Alison Tait (04377) - Objects because: adopted local plan allocation is dated, circumstances have changed and new Plan is an opportunity to review matters; of loss of habitat and biodiversity and consequent adverse impact on protected and other species; contrary to Council planning policies vision and strategy in particular Inverness Plan strategy and Highland wide Local Development Plan Policies 60, 74 and 75; better housing and employment sites are available elsewhere; the Plan accepts that the southern slopes of Inverness have a poorer microclimate and gradient constraints; of loss of accessible green/open space which contributes to the Council's healthier living aims; of loss of informal recreation area which has been well used over a long period and is also used for environmental education purposes, and; of adverse impacts on rights of way.

Clare Buchanan (04254) - Objects because of: loss of well used informal recreation area; loss of habitat and consequent adverse effect upon protected and other species; loss of educational resource; inadequate local support facilities; inadequate primary school capacity; speculative nature of proposal, and; urbanisation of greenspace.

Ann Czerniakiewicz (04265) - Objects because: adopted local plan allocation is dated, circumstances have changed and new Plan is an opportunity to review matters; of loss of habitat and biodiversity and consequent adverse impact on protected and other species; contrary to Council planning policies vision and strategy in particular Inverness Plan strategy and Highland wide Local Development Plan Policies 60, 74 and 75; better housing and employment sites are available elsewhere; the Plan accepts that the southern slopes of Inverness have a poorer microclimate and gradient constraints; of loss of accessible green/open space which contributes to the Council's healthier living aims; of loss of informal recreation area which has been well used over a long period and is also used for environmental education purposes, and; of adverse impacts on rights of way.

Gavin Beaton (04251) - Objects because of: detrimental road safety and amenity effect of road access via Redwood Crescent and Redwood Avenue; loss of well used informal recreation area; loss of habitat and consequent adverse effect upon protected and other species; and; loss of rural character and residential amenity.

Sharon Mackay (04297) - Objects because: adopted local plan allocation is dated, circumstances have changed and new Plan is an opportunity to review matters; of loss of habitat and biodiversity and consequent adverse impact on protected and other species; contrary to Council planning policies vision and strategy in particular Inverness Plan strategy and Highland wide Local Development Plan Policies 60, 74 and 75; better housing and employment sites are available elsewhere; the Plan accepts that the southern slopes of Inverness have a poorer microclimate and gradient constraints; of loss of accessible green/open space which contributes to the Council's healthier living aims; of loss of informal recreation area which has been well used over a long period and is also used for environmental education purposes, and; of adverse impacts on rights of way.

Dan Baraclough (04252) - Objects because of: loss of wetland and other habitat and consequent adverse impact on protected and other species; loss of wilderness feel; adverse impact on path network; loss of well used informal recreation area, and; skylining of development.

Murdo Macleod (04300) - Objects because proposal contravenes the Government Policy PPS1 Paras 17-19 and is detrimental to the quality character and amenity value of the area.

Nicola Morrison (04315) - Objects because of: loss of accessible, scarce and well used, informal recreation area. Area better than formal playspace provision because it caters for all ages and those with disabilities.

Tulloch Homes Ltd (04415) - Housing capacity should be left unspecified because: housing numbers could be greater than 75 and still be part of a quality mixed use development; the master planning process would best determine an appropriate capacity; lack of demand over a long period for the alternative stated uses; more housing would increase local catchment demand to increase the viability of providing more commercial facilities; the land is serviced and available unlike some other allocated housing land in Inverness, and; the masterplanning process will allow for appropriate setbacks to existing housing and the pond area, and retention of footpath networks and green corridors.

Nicola Morrison (04315) - Objects because: better housing and employment sites are available elsewhere; it represents development beyond natural City boundary; of loss of natural light because of slope leading to overshadowing; it will exacerbate current flooding and surface water drainage problems behind Redwood Avenue, and; inadequate road capacity and increased safety issues caused by more vehicles using the local roads for rat running to the A9 which in turn will increase the risk to schoolchildren crossing the distributor road.

Mr & Mrs C Leonard (04508) - Object because of loss of woodland and urbanisation of much of Milton of Leys already.

Thomas Stewart (04521) - Objects to development because of: loss of woodland; loss of/adverse impact upon well used, scarce and accessible greenspace and footpath network; loss of habitat and consequential adverse impact on protected and other species, and; change from 1997 development plan.

Grant & Sharon Mackay (04526) - Objects because of: loss of quality of life; lack of public consultation on proposal; loss of residential amenity; loss of quiet, rural character; loss of privacy; loss of scarce, well used and accessible greenspace which is also used for environmental education; development being contrary to national and Highland planning policy on green and open space; loss of habitat and consequential adverse impact on protected and other species, and; Human Rights Act entitlement to quiet enjoyment of a person's home and its surroundings.

Inverness South Community Council (01606) - Believes that development should not undermine the green character of the area and should deliver net enhancements of habitats, walks and cycle routes.

IN50 Land south of Asda

Robert Robertson (03933) - Requests public park as part of use mix because: paucity of public recreational areas in this vicinity; large number of new houses and people in the surrounding, growing neighbourhoods requiring such facilities, and; mature, broadleaf trees could form part of this area and should be safeguarded anyway for their habitat value.

Highland Small Communities Housing Trust (04381) - Seeks increased housing capacity because 24 homes does not reflect the number which would be required to economically develop the site.

Duncan Marshall (04318) - Opposes development because: Plan is too vague to make meaningful comment; loss of informal recreational space; of increase in dog fouling and litter with further development, and; loss of quiet, rural character.

Anne Pollock (04333) - Objects to current use mix because: retail facility demand/need already met at Asda development; empty business space at the nearby Fairways Business Park; speculative development no benefit to local residents; loss of well used, informal recreation area, and; no other accessible and suitable area for dogwalking which will result in increased car travel to dogwalking areas thereby increasing carbon gas emissions.

F&C Reit Asset Management (04407) - Requests amended developer requirement because: it will offer more comprehensive and explicit control of uses that would better be located within Inverness City Centre.

IN52 East of Culcabock Ave

George Boyd (03928) - Explicit trees safeguard because: of their established residential and visual amenity value; otherwise the trees would have no protection, and; developer needs to be informed that their retention is a non-negotiable requirement.

Highland Council Psychological Service (03952) - Requests boundary drawn in because: includes operational use (Psychological Service Building) used for staff accommodation meeting rooms and consulting rooms for parents, children and young people; land also used for parking which is very important for a statutory, often peripatetic Council service, and; Culcabock Avenue is a very restricted access - a narrow road, frequently congested with residential parking.

Cole-Hamilton & Co Ltd (01573) - Opposes development of site because: vehicular access very difficult if not impossible to achieve from Culcabock Avenue; loss of residential amenity; loss of greenspace, and; adverse impact on setting of listed building.

A Menzies (04555) - Opposes further development in this area because: it would worsen existing traffic congestion, no feasible access route exists and it would worsen existing sewerage and surface water flooding problems.

IN54 Drummond Hill

S Tongue (04383) - Seeks reduction in housing capacity because: no evidence supplied to justify stated capacity; increased noise pollution; overdevelopment of a small site; access, woodland and built heritage constraints make developable area very small; of loss/reduction of green corridor for wildlife, and; increased traffic.

Lochardil & Drummond Community Council (00304) - Seeks reduced capacity because: it cannot be achieved without damage to existing woodland, amenity of area, setting of listed building; inadequate local road network capacity and site junction visibility; site is within a conservation area; trees are protected by tree preservation orders and a wider non developable area will apply to prevent root damage; of speculative nature of proposal; of

community opposition to previous proposals; of poor precedent set on adjoining site which resulted in overdevelopment and woodland loss.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Reduction in housing density/capacity because: site is within a conservation area and contains a listed building; a lower density level of housing (and with low rise buildings) will be more in keeping with the character of the adjoining development; inadequate local road capacity and poor site access visibility; of increased risk to pedestrians from additional traffic, and; adverse impact on existing woodland as evidenced on adjoining development site.

Muriel Munro (04455) - Urges additional mitigation measures because: development will increase traffic on local road network with consequent decrease in road safety; Drummond Road has become a rat-run since the Southern Distributor Road had roundabouts added; the Drummond/Stratherrick Road junction already has visibility, and horizontal and vertical alignment problems; already problems of neighbouring garden walls being knocked down in accidents; inadequate footway provision at this junction, and; increased risk to schoolchildren walking to school.

Stephen Innes (04471) - Seeks reduction in capacity because constraints of: woodland (including tree protection areas); a single point of access at a hazardous junction; exposed plateau microclimate, and; protected features in terms of TPO and listed buildings: should all limit the development capacity.

IN55 Land at Dell of Inshes

Vanessa Mcleod (04122) - Opposes commercial uses in close proximity to housing because: impact on residential amenity of neighbours; housing is an existing use that should be protected from incompatible uses adjacent; no market demand for public house with other adequate alternatives in close proximity; unacceptable noise pollution levels; of increase in anti-social behaviour and inadequate police provision to deal with the effects; local opinion does not favour the current application proposal; unacceptable increase in traffic levels; Inverness City Centre should be the location for additional commercial development if it is to attract trade and tourists, and; a Dell of Inshes Community Centre would a much better and needed use.

Alexander Johnston (04175) - Opposes commercial and institutional use development because: such buildings would block or adversely affect a key, tourist gateway vista into the City; of loss of existing green space/wedge/corridor, which is supported by planning policy; no other built development sites have been allocated within the A9 buffer area; of a breach of the existing developed edge which is defined and screened by existing woodland and hedging; new screen planting will take too long to become effective; commercial uses will intrude between residential uses causing incompatibility problems; of loss of residential amenity; of loss of rural character; of loss of habitat and therefore adverse impact on protected and other species; poor ground conditions; frequent flooding made worse by culvert pinch point to north of site which is problematic to resolve; flooding made worse by upstream housing developments; sufficient bulky goods retail sites already available on brownfield sites at Carse, West Seafield and Longman and these should be preferred; of increased pressure on already inadequate Inshes road junctions; Brief should lead development not developers; no demand for Class 10 uses at inshes but if there is it should be accommodated within the Inshes housing areas because it will only magnify traffic and flooding problems on site IN55; approving any applications will pre-empt the outcome of the Plan process, and; East Link route needs to be safeguarded.

Natalie Murray (04341) - Objects because of: lack of consultation; inadequate existing road network which will only be made worse; inadequate provision at Inshes roundabout for pedestrians and cyclists; loss of A9 buffer zone which currently insulates the Woodgrove/Briargrove housing scheme from noise, light and air pollution, and provides a visual barrier; increased noise, air and light pollution from development itself; inadequate medical/care facilities in the area; there is already adequate provision for all types of retail facilities within Inshes Retail Park site and a vacant, serviced and accessible site there and another at Milton of Leys which is in urgent need of more facilities.

Brian Ashman (00067) - Objects because of: lack of consultation; adverse impact on residential amenity; inadequate existing road network which will only be made worse; inadequate local road capacity and increased risk to pedestrian and cyclist safety; loss of A9 buffer zone which currently insulates the Woodgrove / Briargrove housing scheme from noise, light and air pollution, and provides a visual barrier; increased noise, air and light pollution from development itself; inadequate medical / care facilities in the area which would better be accommodated at the vacant site within Inshes Retail Park; loss of woodland; increased flood risk from Dell Burn, and; better sites being available for proposed uses.

Cathy Stafford (00511) - Believes Plan should be explicit in safeguarding corridor for East Link road connection because: local residents should be informed of possible implications; the link is required to relieve congestion and is a vital part of the link between the A82, A9 and A96 including West Link, and; it is in the national trunk road investment programme.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

F&C Reit Asset Management (04407) - Seeks additional wording to reiterate restriction on non bulky goods retail development in order to: protect and support the City Centre, and; guard against the current planning application which has significant potential to have an adverse impact upon the vitality and viability of the City Centre.

Scottish Widows Investment Partnership Property Trust (04403) - Objects to listing of acceptable uses and developer requirements because: too prescriptive and restrictive; contradicts content of Highland wide Local Development Plan in terms of wording and site boundaries; no justification for uses listed; a criteria based policy would be better; detailed guidance should await the development brief/masterplan, and; drainage and trunk road improvements should not be mentioned because there are no published details of these schemes.

Murdo Gordon (04470) - Opposes road and other development because of: loss of residential amenity and privacy; previous adopted local plan allocation as green wedge; adverse impact on key arrival vista to the City from the A9 down to the Raigmore Interchange, and; site not being suitable as a retail centre.

Inverness Estates (00944) - Deletion of reference to retail uses because: site rejected for retail warehouse development at 2004 Inverness Local Plan public local inquiry because of adverse landscape impact at this important gateway location; circumstances have not changed since 2004, and; no additional demand for bulky goods floorspace beyond

existing allocations and permissions.

Inverness South Community Council (01606) - Mixed views on suitability of site for development because of Inshes Roundabout and flood risk constraints but desire for additional jobs and amenities.

IN56 Essich Road (East)

Clive Brook (04134) - Opposes development because: Torbreck Road forms a natural and logical City boundary and further development in close proximity to existing development would not be appropriate to the low density rural settlement pattern of land south and east of Torbreck Road.

IN57 Essich Road (West)

Alan Ogilvie (04038) - Requests reallocation for housing because: inconsistently compared against other site options which have been included such as Knocknagael IN32; no consultation on community uses allocation; it provides housing choice particularly for City edge self build large detached houses; site's wooded setting provides a more logical, definitive and defensible edge to the city boundary; suitable road, sewer and water connections can be made; there are existing remote foot/cycle path connections from Holm Dell and Ness Castle offering opportunities for active travel and safer routes to school; the land is not shown as lying within the 1 in 200 years flood risk area; the land's wooded context minimises impact on Listed Drumdevan House; development low density so less intrusive than other larger allocations; any buildings would be set back requisite distances from the Ness Castle/Holm House TPO and Semi-Natural/Ancient Woodland designation; no part of the land is prime quality agricultural land or part of a farm business unit; it will help deliver contributions to affordable housing and education; precedent already set for low density housing in woodland on this edge of Inverness; it will reduce pressure on the open countryside; land is a relatively short active travel distance from existing local facilities compared to alternative sites such as Ness Castle; Plan text already accepts the principle of development in a "less vital to the open green wedge aspect" location; effectively an infill site; no reasoned justification for community use, and; disputes need to set back buildings from the Essich Road frontage but accepts need for tree shading setback.

IN58 Land at Gaelic Primary School

Lochardil & Drummond Community Council (00304) - Objects to built development on amenity land portion of site because: reserved for public amenity use only under terms of s.75 planning agreement, and; because a sports pitch on this land wouldn't require an allocation but would only be acceptable if available for community use.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Objects to built development on amenity land portion of site because: reserved for public amenity use only under terms of s.75 planning agreement, and; because a sports pitch on this land wouldn't require an allocation but would only be acceptable if available for community use.

IN61 Inshes Park

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is

irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Simpson Highview Ltd (01058) - Joint landowners of Inshes District Park frontage site request mixed use allocation because: it will provide a viable and deliverable opportunity to provide commercial floorspace and a better park entrance; the land is presently vacant and provides no amenity or commercial value; the site will never be released for park use without it being viable for the current owners; the proposal could offer additional public greenspace, improved landscaping, better pedestrian/cycle connectivity and better public car parking; the commercial unit is too small to be significant in traffic impact terms; the commercial unit might be a fitness centre use which would be compatible with the Council's strategy for the emphasis on more formal recreation at this end of the park, and; the parking area could be multi purpose and relieve pressure at the adjoining primary school.

IN62 Land at Milton of Leys Primary School

Ruth Hunter (04147) - Requests explicit safeguarding of this area for recreational space. No reasons stated.

IN63 East of Balvonie Braes

Ruth Hunter (04148) - Seeks explicit public open space allocation because of the inadequacy of such provision within the Milton of Leys neighbourhood.

Kamila Baird (04203) - Requests a more explicit community allocation because the site is secluded and regulated supervision will be required to avoid anti-social behaviour / crime.

Highland Housing Alliance (00202) - Supports allocation.

Braes of Balvonie HC Residents' Association (04256) - Opposes principle of any land use change for land because; better left as productive farmland; loss of green wedge' to A9; loss of wildlife habitat and corridor; badger sett present on site and possible adverse impact to this and other species; community proposals to date have been for the benefit of people outwith immediate locality; not suitable for children's play facilities because too far from most homes to allow unaccompanied travel and too close to A9 in terms of safety and noise concerns; not overlooked so will become a haven for anti-social behaviour, and; not likely to maintained by Council so will be an onerous maintenance burden for any community group.

IN65 Land at Raigmore/Beechwood

Alan Ogilvie (04038) - Seeks reduction in allocation and change in acceptable uses because: land south of police building is a long standing component of the Drakies/SDR amenity buffer area; highly unlikely to still be required for police accommodation expansion given recent mergers and redundancies; loss of high amenity trees; no spare capacity in Old Perth Road residential slip road and Inshes Roundabout; hospital use more aligned to community uses designation not business, and; rat running problem along Old Perth Road residential slip road which creates residential amenity and routes to school safety issues.

Brian Grant (00769) - Seeks extension of site because: the land is flat and developable; it has a commercial frontage to a distributor road; the land is not useable high quality public open space; it has good active travel connections; other sites are allocated in the locality despite the Council's concern about inadequate local road capacity; owners now accept that retail use would not be appropriate on this land and that a larger business allocation would be appropriate; the landowners have not been informed of any Inshes Roundabout improvement land requirement, and; a larger site would give more flexibility in terms of the development/redevelopment of the police site.

IN67 Bogbain (East)

Ruth Hunter (04148) - Opposes development because: A9 junction is currently unsuitable for heavy goods vehicles; adverse visual impact at a key tourist gateway; increase in rat-running to access this business site close to the primary school access, and; the West Link will increase traffic on the southern distributor road a proportion of which will rat run to the A9 via Milton of Leys.

Lisa Handcock (04245) - Objects to development because: land is identified in Highland Greenspace Audit; Highland wide Local Development Plan Policy 75 says Audit sites should be safeguarded and the development does not meet the exceptional criteria in this policy; the site has a high amenity value and accessible greenspace is important to urban residents; of adverse protected and other species impacts through loss and reduction of green corridor; of loss of wetland habitat, and; poor ground conditions.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Inverness Estates (00944) - Seeks reallocation of land parcels to different uses because: insufficient evidence to justify such large allocations for business use; film studio and other exceptional employment uses highly unlikely to materialise; site has locational disadvantages for employment uses (undefined); site has been marketed unsuccessfully for business uses for 10 years; national enterprise agencies have been involved in this marketing (supporting document supplied); an independent assessment (supplied as supporting document) demonstrates why there has been no interest in business development at Milton of Leys, and why there is not likely to be any interest in the future; therefore other uses must be considered for allocated land, and; an indicative masterplan has been prepared to show how the development can be implemented.

Tulloch Homes Ltd (04415) - Requests part housing allocation because: of lack of demand over a long period for the alternative stated uses; more housing would increase local catchment demand to increase the viability of providing more commercial facilities, and; the land is serviced and available unlike some other allocated housing land in Inverness.

IN68 Culduthel Avenue

Douglas Johnston (04272) - Objects because: previous permission not implemented in over 3 years; other competing retail facilities have been developed in this period in this local catchment and therefore retail premises demand has been satisfied; inadequate road access and parking capacity for site; inappropriate industrial design buildings likely;

community council previously opposed the planning application, and; of adverse impact on Lochardil and Culduthel woodland and the health of local schoolchildren from a fast food unit being located within this development.

IN71 Old Edinburgh Road

Pumford (01282) - Objects because: site is too small for shop and parking; its access would be too close to the junction of a busy Stevenson Rd and the single track Old Edinburgh Road South and will therefore create road safety problems; the recent provision of several, accessible retail facilities on this flank of the City has removed the need and demand for such a facility.

Mark Esslemont (04229) - Objects because: too small and incorrect shape to accommodate retail unit; site access junction would be too close to junction of Old Edinburgh Road South and Stevenson Road; Old Edinburgh Road South unsuitable for increased service and other vehicle access because of its narrow width, lack of footways, high cyclist and pedestrian use, poor condition and maintenance, unrestricted speed limit, lack of street lighting, and poor surface water provision; Old Edinburgh Road South is difficult to widen or improve with footway provision; parking will occur on Stevenson Road creating visibility, congestion and safety issues as already occurs with the post box, and; the shop unit may affect the vitality and viability of Inshes Retail Park which would be contrary to Council Plan Policy 1.

Dereck Mackenzie (00678) - Owner supports allocation boundary and use and accepts developer requirement wording as appropriate.

Alison Macrae (04549) - Objects because: adverse effect on the vitality and viability of Inverness City Centre and Inshes Retail Park contrary to Council policy; plentiful provision of alternative retail facilities within close proximity; small site offers a limited area for development, car parking and access; inadequate footway provision on Old Edinburgh Road South which a single track road, very popular with cyclists and pedestrians of all ages; increased car movements which creates a safety risk; recent residential development at Parks Farm and Milton of Leys have been linked by foothpaths to Old Edinburgh Road South increased pedestrian usage of Old Edinburgh Road South which has an unrestricted speed limit and also accommodates large farm vehicles; inadequate junction between Old Edinburgh Road South and Stevenson Road the safety of which will be further compromised by on road rather than within curtilage parking at the new shop; site is not part of neighbourhood centre or hub of other facilities but instead is isolated, and; Old Edinburgh Road South is in poor physical condition and surface water drainage.

Inverness South Community Council (01606) - Believes site not suitable for retail use because of parking and traffic issues.

Modifications sought by those submitting representations:

General

Dereck Mackenzie (00678) - Reintroduction of Main Issues Report housing site H36 at Druid Temple.

Chrissie Lacey (01716) - Additional developer requirements for all sites that “all green spaces at present existing should be retained, cared for, and, if possible, enhanced, whether these are grass areas, managed or unmanaged wild areas, trees or shrubs, or planted roundabouts.” and “more green areas should be created and small spaces throughout the city should be utilised for planting greenspaces.”

Brian Grant (00769) - Reintroduction of Main Issues Report housing site H49 at Druid Temple.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Additional developer requirements for all new developments in the south part of Inverness for: allotments; safeguarded/enhanced greenspace, and; Safer Routes to School and other cycle/pedestrian path Plans.

Sandra Grant (04238) - Reduced housing capacities for the Inshes housing sites. Increased supporting infrastructure developer requirements and increased green belt areas, amenities, parks and cycle paths.

Slioch Ltd (04015) - Re-introduction of Main Issues Report site option H49 - housing allocation west of General Wades Road at Welltown of Easter Leys. Additional developer requirement for site IN49 to provide ransom free access to former site H49.

Pumford (01282) - New primary school allocation at Slackbuie on land south of distributor road.

Tulloch Ltd (04433) - Deletion of allocations IN47, IN62 and IN72 and replacement with a single mixed uses allocation. Acceptable uses listed as retail, care home, residential, community and other uses appropriate to a district centre. Requirements: a revised masterplan comprising a minimum of 1,320m² retail floor-space, and 16 houses, a care home and community facilities or other appropriate district centre uses.

Pumford (01282) - Developer requirement added to all allocations between Fairways Golf Course and A9 to safeguard route for and to require prior provision of flood relief channel extension (assumed).

Donna Macmillan (04299) - Reduction in density of Inshes housing sites (undefined).

Murdo Macleod (04300) - Deletion of housing site(s) in Inshes/Milton of Leys area (assumed).

Woodland Trust (04364) - Additional developer requirement for sites IN37, IN38, IN39, IN42 and IN43 to ensure development set-back buffer from ancient woodland that borders these sites. Reference to existing planning permission woodland management plans for IN42 and IN43.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Reduction in density and additional developer requirements to prepare Core Paths and Safer Routes to School route plans.

IN24 Torvean & Ness-side (Southern part)

Ian Anderson (04132) - Deletion of allocation (assumed). If development is inevitable then

at least a 200m wide wildlife and amenity green corridor should be provided between Dores Road and the Ness.

Derek Clunas (02209) - None – comment of support.

Halliday Fraser Munro (00428) - None – comment of support.

Edinburgh Woollen Mill Group - Holm Mills (01254) - None – comment of support.

Burt Boulton Holdings Ltd (01209) - Amendments to Plan and Torvean and Ness-side Development Brief to reduce and minimise developable land take from road, drainage and other infrastructure at Ness-side. Burt Boulton Holdings Ltd will withdraw its objections if these amendments are guaranteed. Also additional Plan and Brief requirement for the production of a Construction and Environmental Management Plan prior to the determination of the West Link planning application.

Dougal Macdougall (04035) - A more direct road connection between Dores Road and the A82 than shown within the IN24 allocation. A developer requirement for increased sewerage capacity.

Sport Scotland (02087) - Amended developer requirements to require a preparation of a more detailed masterplan for the Ness-side Torvean area including a detailed golf course layout. Text that accepts that existing recreational facilities will be adversely impacted by the West Link scheme.

Woodland Trust (04364) - Better (ancient) woodland safeguards along the West Link road route and elsewhere along the Holm Burn.

Cardrona Charitable Trust (00988) - Removal of any West Link road dependency for site's development.

Dr Donald Boyd, Westhill Community Council (00324) - Reconsideration of allocation (assumed).

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Additional developer requirement for improved foot/cycle way and safer routes to school network throughout development area and a route to Dores (assumed).

IN31 Ness Castle

Richard Tyser Overseas Settlement (04431) - Amend figure for the playing field to 1.5ha.

Woodland Trust (04364) - Specific developer requirement to safeguard and promote effective woodland management of the thinly wooded area to the west and to the south west of the small loch.

IN32 Knocknagael

John Lister (02223) - Deletion of allocation.

Margaret Fraser (03931) - Deletion of allocation.

Alan Ogilvie (04038) - Defer the timescale for IN32 to the longer term or delete it from the Proposed Plan altogether and maintain as countryside.

Brian Cameron (03965) - Deletion of allocation (assumed).

John Watt (04504) - Deletion of allocation (assumed).

Fraser Morrison (04074) - Deletion of allocation or replaced with a community uses allocation.

Elizabeth Rae (04459) - Additional developer requirements for: large undeveloped buffer between new housing and Essich Gardens houses, and; maximum of 2 storey buildings.

Mr G J & Mrs C H Innes (04039) - Additional developer requirement to ensure no increase in pluvial or other flooding problems for houses and plots closeby.

Robert Rennie (04352) - Deletion of allocation and replacement by green wedge designation.

Ian Bone (04197) - Deletion of allocation and replacement cherished greenspace notation. Cross-city footpath link along flood relief channel. Possibility of allotments on part of lower field and farming educational area.

Jodi Sharpe (04186) - Deletion of allocation.

Marc Macdonald (04296) - Deletion of allocation (assumed).

Yvonne Laird (04282) - Deletion of allocation.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Deletion of allocation or reallocation for no buildings, community development such as allotments or public amenity space.

Brian Guthrie (04244) - Deletion of allocation and land at Ness Castle.

Allan Macdonald (04288) - Deletion of housing allocation and replacement with a no built development community use such as allotments, footpaths, woodland or a wild green wedge (assumed).

IN36 Morning Field Road/B861

Duncan Marshall (04318) - Deletion of housing allocation or greatly reduced capacity.

Anne Pollock (04333) - Reduction in housing density.

IN40 Parks Farm

Karen Mcwilliam (03979) - Explicit assurance that no variation/amendment of existing planning permission will be allowed nor any new application entertained for the land north on this site between the new road and Boswell Crescent which is currently shown as a green area with bunding, trees and hedging.

Inverness South Community Council (01606) - Explicit prevention of road connection through to General Wade's Road.

Pumford (01282) - Requirement that no vehicular access connection to General Wades Road (Old Edinburgh Road South) will be allowed.

IN41 Thistle Road

Slioch Ltd (04015) - Housing capacity amended to 13 units.

IN44 Inshes Small Holdings (north)

Chandrasekharan Badrakumar (04086) - Deletion of allocation. If not then reduction in density and enforceable developer requirements for tree planting on northern boundary, 18 metre setback from existing properties and woodland, and drainage improvements to alleviate flood risk in particular its impact on the condition of the local road network.

Caroline Fraser (04286) - Reduction in housing density/capacity.

Eddie Fraser (04263) - Deletion of allocation.

Jo & David Whillis (04393) - Reduction in housing capacity (undefined).

Murray Campbell (04255) - Reduction in capacity. 92 units suggested as more appropriate. Developer requirement for "large tree lined screened green area separating West Road from a considerable distance to the development."

John Machin (04294) - Reduction in capacity. Suggestion that 92 units would be more appropriate and that the higher density housing should be located on the south west part of the site.

Michael King (04284) - Reduction in housing capacity.

Linda Lyle (04290) - Reduced density and capacity (undefined).

Meg Gunn (04243) - Reduction in capacity and additional developer requirements to set 2 storey dwellings back from existing 1 to 1 and half storey houses and to provide more open space between terraced blocks.

IN45 Inshes Small Holdings (south)

Seonaid Duncan (04268) - Deletion of allocation.

IN46 Balvonie, Milton of Leys

Braes of Balvonie HC Residents' Association (04256) - Additional developer requirement to guarantee delivery of playspace provision equivalent to the households served within the allocation boundary.

Iain Watt (03938) - Omit the planted hill from the housing allocation.

Braes Of Balvonie HC Residents' Association (04256) - Reduced density and developer requirement to restrict height of buildings.

Woodland Trust (04364) - Additional developer requirements for development set-back buffer on north eastern edge of site and compensatory or rehabilitation planting of another site.

Lindsay Macphee (04309) - Deletion of allocation (assumed).

IN47 North East of Milton of Leys School

Catherine Collins (04081) - Reallocation of land for community use only.

Inverness South Community Council (01606) - Deletion of any reference to residential development.

Robert Roberts (04020) - Change use from housing to community.

Pumford (01282) - Deletion of mainstream housing allocation.

Ruth Hunter (04147) - Reallocation for community use.

Jonathan Croall (04177) - A corrected reference to the content of planning permission 07/00264/OUTIN, which permits a Care Home (maximum 28 beds) for this land.

IN48 Land at Housing Expo Site

Braes of Balvonie HC Residents' Association (04256) - Reduction in density/capacity of site (undefined).

Additional developer requirement that no development to commence on Phase 2 until Phase 1 complete.

Additional developer requirement to ensure Phase 1's design code is also adhered to for Phase 2.

Additional developer requirement to control height of buildings within Phase 2 of Expo site so that no views from Phase 1 houses are interrupted.

Kamila Baird (04203) - Deletion of allocation or if necessary a no built development, community use (assumed).

Ruth Hunter (04148) - Deletion of allocation (assumed).

Dwynwen Hopcroft (03935) - Reduction in capacity (undefined). Additional developer requirement that new development will be in keeping with architectural styles within first phase which have been award winning.

IN49 Bogbain (west)

Nicola Morrison (04315) - Deletion of allocation.

Liam Dalgarno (04129) - Deletion of allocation.

Catherine Collins (04081) - Deletion of allocation and replacement with cherished greenspace notation.

Tulloch Homes Ltd (04415) - Delete "75 homes" and replace with "housing." Additional clarification that business use should be flexible but compatible with housing and should include tourism related uses and leisure.

David McIntosh (04311) - Deletion of allocation.

Mr & Mrs C Leonard (04508) - Deletion of allocation (assumed).

Thomas Stewart (04521) - Deletion of allocation and replacement with cherished greenspace notation (assumed).

Grant & Sharon Mackay (04526) - Deletion of allocation.

George Moodie (04011) - Deletion of allocation.

Graham Calder (03954) - Deletion of allocation (assumed).

Inverness South Community Council (01606) - Retention of a large proportion of greenspace within the development and the ponds and walks retained and enhanced.

Social Housing Providers in Highland (04381) - None – comment of support.

Kyrstn Calder (03939) - Deletion of allocation and replacement with cherished greenspace notation (assumed).

Nigel Collins (04092) - Deletion of allocation and identification of land as a special landscape area. If permission ever considered then requirement that no road access to be taken through Redwood Avenue.

Catherine Collins (04081) - Deletion of allocation.

Kevin Macdonald (04075) - Deletion of allocation.

Nicola Morrison (04315) - Deletion of allocation.

Donald Murray (04336) - Deletion of allocation.

Alan Young (04310) - Deletion of allocation.

George Ledingham (04279) - Deletion of allocation.

Karen Macleod (04304) - Deletion of allocation.

Mark Tait (04379) - Deletion of allocation and replacement with cherished greenspace notation.

Peter Macpherson (04303) - Deletion of allocation.

Alison Tait (04377) - Deletion of allocation and replacement with cherished greenspace notation.

Clare Buchanan (04254) - Deletion of allocation.

Nicola Macpherson (04302) - Deletion of allocation.

Ann Czerniakiewicz (04265) - Deletion of allocation and replacement with cherished greenspace notation.

Lesley Blaikie (04210) - Deletion of allocation.

James Granger (04237) - Deletion of allocation (assumed).

Kevin Macdonald (04196) - Deletion of allocation.

John Walters (04390) - Deletion of allocation.

John Kirk (04285) - Deletion of allocation.

Kenneth Macdonald (04295) - Deletion of allocation (assumed).

Pumford (01282) - Explicit developer requirements to safeguard wildlife, walks and the pond.

Jacqueline Dowd (04227) - Deletion of allocation.

Craig Henry (04273) - Deletion of allocation.

Murdo Macleod (04300) - Deletion of allocation.

Barry Robins (04367) - Removal of housing component of allocation.

Ruth Hunter (04147) - Additional developer requirement for an environmental impact assessment and more explicit protection of existing pond and wetland. Reduced housing density.

Rona Quigley (04344) - Deletion of allocation (assumed).

Lesley Mackay (04291) - Deletion of allocation.

Arlene Moodie (04312) - Deletion of allocation.

Jonathan Croall (04177) - Deletion of allocation and safeguard area as cherished greenspace.

Nicola Morrison (04315) - Deletion of allocation.

Kathleen Ledingham (04277) - Deletion of allocation (assumed).

Gavin Beaton (04251) - Deletion of allocation.

Nicola Morrison (04315) - Deletion of allocation.

Sharon Mackay (04297) - Deletion of allocation.

Dan Baraclough (04252) - Deletion of allocation.

Avril Geddes (04170) - Deletion of allocation (assumed).

IN50 Land south of Asda

Robert Robertson (03933) - Specific developer requirement for public park component to site.

Highland Small Communities Housing Trust (04381) - Increased housing capacity of "up to 80 homes".

F&C Reit Asset Management (04407) - Amendment to developer requirement to state "Any retail component limited to neighbourhood catchment scale and type".

Duncan Marshall (04318) - Reduce or delete allocation.

Anne Pollock (04333) - Reallocation for mostly community use.

IN52 East of Culcabock Ave

A Menzies (04555) - Deletion of allocation.

Highland Council Psychological Service (03952) - Boundary redrawn to omit 11 - 13 Culcabock Avenue from the allocation.

George Boyd (03928) - Additional developer requirement to safeguard all trees which adjoin housing in Culcabock and Drakies Avenues.

Cole-Hamilton & Co Ltd (01573) - Deletion of allocation (assumed). Clarification of where access would be taken from.

IN54 Drummond Hill

Muriel Munro (04455) - Additional developer requirements for Transport Assessment and funding of traffic management solutions (eg traffic lights or speed-calming measures) specifically near the Drummond Road/Stratherrick junction.

Stephen Innes (04471) - Reduction in housing capacity (undefined).

S Tongue (04383) - Reduction in housing density and capacity (undefined).

Lochardil And Drummond Community Council (00304) - Reduce housing density/capacity to 13 units and amend stated requirements to include involvement of community council and forestry officer in preparation of masterplan/brief.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Reduction in housing density/capacity.

IN55 Land at Dell of Inshes

Vanessa Mcleod (04122) - Deletion of commercial uses option or their set back from existing adjoining houses.

Scottish Widows Investment Partnership Property Trust (04403) - Deletion of list of acceptable uses from mixed use allocation. Developer requirements to be the same as those in Highland wide Local Development Plan.

Woodland Trust (04364) - Additional developer requirement to safeguard ancient woodland that borders site.

Inverness South Community Council (01606) - Clarification that development should take account of and resolve flooding and Inshes roundabout constraints.

F&C Reit Asset Management (04407) - Additional developer requirement: after “transport assessment” add: “Any retail development at this location will be restricted to bulky goods retail floorspace in order to protect and support the City Centre.”

Murdo Gordon (04470) - Deletion of allocation and replacement by cherished greenspace notation (assumed). No reference to or assumption that East Link road will be built and no land safeguard for it (assumed).

Inverness Estates (00944) - “Retail (bulky goods only)” should be deleted from the range of uses considered suitable for this site.

Alexander Johnston (04175) - Reallocation for community and/or woodland use. Additional developer requirements to maintain green buffer to A9, public vista to north at this gateway, and statement that planning applications must await production of masterplan / development.

Natalie Murray (04341) - Deletion of allocation. If absolutely necessary then, a community allotments use would be acceptable on part of the site and a green buffer on the balance.

Brian Ashman (00067) - Deletion of allocation.

Cathy Stafford (00511) - Additional, explicit developer requirement to safeguard route for East Link connection.

IN56 Essich Road (East)

Clive Brook (04134) - Deletion of allocation (assumed). If this not agreed then a developer requirement that there should be a 100 metre set-back between new and existing development.

IN57 Essich Road (West)

Alan Ogilvie (04038) - Reallocate IN57 from Community to Housing with a capacity for 5 to 8 houses. Include the adjacent wooded margins of the Holm Burn and Drumdevan House within the Inverness City Settlement Development Area.

IN58 Land at Gaelic Primary School

Maria de la Torre, Lochardil & Drummond Community Council (04353) - Deletion of allocation.

Lochardil & Drummond Community Council (00304) - Deletion of allocation.

IN61 Inshes Park

Joint Submission of Mr & Mrs Grant + Simpson Highview Ltd (04419) - Reallocation of northern tip of site for mixed use development providing district park entrance and parking community use plus a 1,000m² commercial unit (use classes 2,3,4,10 or 11).

Woodland Trust (04364) - Additional developer requirement for more tree planting within park.

IN62 Land at Milton of Leys Primary School

Ruth Hunter (04147) - Explicit safeguard as recreational space.

IN63 East of Balvonie Braes

Kamila Baird (04203) - Allocate for education provision or supervised community use only.

Highland Housing Alliance (00202) - None – comment of support.

Ruth Hunter (04148) - Explicit allocation for useable public open space with improved access from local community.

Braes of Balvonie HC Residents' Association (04256) - Deletion of allocation (assumed).

IN65 Land at Raigmore/Beechwood

Brian Grant (00769) - Extension of business allocation to limit of adjoining playing field.

Alan Ogilvie (04038) - Remove the undeveloped land south of the Drakies Northern Constabulary building from the allocation and add cherished greenspace notation. Re-allocate for open space. Identify Raigmore Hospital part of site as a community use.

IN67 Bogbain (East)

Inverness Estates (00944) - Reallocation of three land parcels as follows: use of the eastern area and the use of part of the north western area should be re-defined as being suitable for business, tourist related development, and commercial leisure; remainder of the north western area and the whole of the southern area should be allocated for residential development.

Woodland Trust (04364) - Additional developer requirement to achieve development buffer from ancient woodland to south of site.

Lisa Handcock (04245) - Deletion of allocation and replacement with cherished greenspace notation.

Ruth Hunter (04148) - Deletion of allocation (assumed).

Tulloch Homes Ltd (04415) - Reallocate the eastern area and the use of part of the north western area for business, tourist related and commercial leisure uses with the remainder of the allocation reallocated for residential.

IN68 Culduthel Avenue

Douglas Johnston (04272) - Deletion of allocation.

IN71 Old Edinburgh Road

Inverness South Community Council (01606) - Removal of retail use.

Alison Macrae (04549) - Deletion of allocation (assumed).

Dereck Mackenzie (00678) - None – comment of support.

Pumford (01282) - Deletion of allocation.

Mark Esslemont (04229) - Deletion of allocation (assumed).

Summary of responses (including reasons) by planning authority:

General

Primary School at Slackbuie

The stated support for greenspace provision is noted and welcomed. A separate primary school at Slackbuie was considered as part of the planning of the Slackbuie/Culduthel neighbourhood but this site was then taken up by the Gaelic Primary School. It too is on the “opposite side” of the primary distributor road but does educate children from the local catchment. Most of the Slackbuie part of the wider neighbourhood lies within the Cauldeen Primary School catchment and this school has spare capacity. The Council as education Authority, has no forward plan or capital programme commitment to provide a new primary school at Slackbuie. Mixed use allocations are reserved which would allow a school as a community use. However, the lights controlled crossing provision on the distributor allows safer routes to existing schools. Accordingly, the Council believes the Plan should be retained without modification.

Milton of Leys District Centre

In response to the comments received, the Council believes the Plan’s provisions are too imprecise and should be amended to reflect the latest permissions granted at this location. These permissions give land use flexibility but do not support mainstream housing provision which Tulloch Homes are promoting. This centre serves a still developing and (at present) an exclusively residential neighbourhood. Around 160 houses remain to be developed within the immediate catchment and therefore additional housing is not required within the centre to improve its viability. The centre’s distributor road frontage location is a competitive advantage in attracting commercial uses not a reason to substitute mainstream housing uses. It is not visually prominent from the distributor road

being set down from it. The site's unkempt condition could be mitigated by the owner/developer and is not a reason to allow a higher value use. The construction of the Co-op building and the arrival of the pharmacy, although long overdue, demonstrate that commercial and community uses will happen as the neighbourhood expands. A care home use would still be acceptable and the Council would consider an application for retail units with flats above as only a partial departure from the development plan.

Flood Relief Channel Extension

Extension of the South West Inverness Flood Relief Channel to the A9 would be desirable but there are more pressing flood priorities within Highland and in terms of Scottish Government funding. The River Ness scheme is under construction, requires additional phases, and schemes for the Mill and Dell Burns are at feasibility stage. These are ahead in priority terms because of the proven risk to existing properties. In contrast, flood risks can be reduced or mitigated by layout design within the developing neighbourhoods at Inshes and Milton of Leys. Inshes District Park; greater set-back from existing watercourses; more effective design, construction and maintenance of surface water drainage devices and; better housing layouts – can all help reduce and mitigate flood risk. Accordingly, the Council believes the Plan should be retained without modification.

Inshes Infrastructure and Greenspace Capacity Relative to Housing Densities

The Plan sets average, gross, indicative, housing densities for Inshes of around 20-25 units per hectare. These are typical for urban areas across Highland. There are known capacity constraints at local schools and Inshes Roundabout but these are being addressed via the Council's capital programme and developer contributions. The Inshes development allocations have been earmarked for development in successive approved development plans since the early 1990s [THC/IN South General/1, Inshes and Milton of Leys Development Brief] [THC/IN South General/2, Extract from Inverness, Culloden and Ardersier Local Plan]. These gross densities and the gaps between sites allow the retention and enhancement of greenspace corridors for example the Inshes Park. Inshes and Milton of Leys neighbourhoods have excellent facility provision within their wider urban district. Residents live close to: regional health and police provision at Raigmore/Inshes; a large retail district centre at Inshes; a large employment centre at Beechwood Business Park; the under construction University of the Highlands and Islands at Beechwood; a new, high capacity internal distributor road; two new primary schools and a new secondary school, and; a grade separated junction connection to the A9 trunk road. Arguably, local residents have the best accessibility to facilities in the whole of Highland. Accordingly, the Council believes the Plan should be retained without modification. Support for Fairways Golf Course greenspace protection welcomed.

"Ancient" Woodland"

The Council believes that the Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but presently accommodate commercial conifer plantations or have little or no tree cover at all. Accordingly, the Council believes the Plan should be retained without modification.

Safer Pedestrian Connections

The Council works with schools and parents to evolve optimum safer routes to schools. The Council agrees that these optimum routes change over time as applications are

lodged, considered and amended in the light of local and officer comments. The development management process is the best avenue for considering these site specific connections. Accordingly, the Council believes the Plan should be retained without modification.

Primary School Parking

The Council recognises that there are congestion and arguably road safety issues created by parent parking practices at both Inshes and Milton of Leys primary schools. However, the Council would argue that creating additional, convenient parking close to the schools is not the answer as this will increase car rather than active travel journeys. Plentiful parking exists within a reasonable walking distance of both schools and there are safer, active travel alternative routes to school for most residents. Accordingly, the Council believes the Plan should be retained without modification.

New Sites Previously Consulted On

Main Issues Report (MIR) H49

All settlement sites submitted through the Call for Sites phase were included at MIR stage. The only exceptions were the very small housing in the countryside proposals unrelated to any settlement and a 1,000 house “new settlement” proposal south of Nairn which lacked any proper justification and failed in basic sustainability terms. Site H49 was shown as preferred because it has no insurmountable site-specific constraints. It was later rejected by the Council at Proposed Plan stage because there was (and is) no quantitative housing requirement for an additional housing allocation of this scale in any part of the City or Plan area as a whole. MIR respondents raised concerns about landscape character, heritage, flood risk, microclimate and road capacity although these were exaggerated. The allocation could have underpinned the commercial viability of the Milton of Leys neighbourhood centre and therefore made more facilities more likely. The landowners’ willingness to release the land and increase the allocation’s size is noted and the good outlook from the site is accepted as a positive. However, there are still doubts as to whether suitable, ransom-free distributor road access can be formed into the area and there is no quantitative deficiency in terms of housing site provision within the City given the capacity of already allocated, permitted and/or serviced sites. Accordingly, the Council believes the Plan should be retained without modification.

Main Issues Report (MIR) H36

The site was included but non preferred at MIR stage because it suffers from woodland constraints and confirmed watercourse flood risk (now mapped by SEPA as pluvial flood risk areas). However, the Council accepted (and still accepts) that its road access constraint can be overcome by a connection from the adjoining Parks Farm development which would allow a relatively short connection onto a higher capacity distributor road and improve active travel connections generally. This would realise a net improvement to traffic levels on the lower section of General Wade’s Road. A low density housing development should be possible with improved road access and setbacks from both woodland and watercourses. However, because of the constraints and low capacity, a within City boundary, non safeguarded notation would be more appropriate than a specific, positive allocation for housing development. The respondent is incorrect in believing the site lies outwith the City settlement development area. Accordingly, the Council believes the Plan should be retained without modification.

IN24 Torvean & Ness-side (Southern part)

Selective support for development noted and welcomed.

West Link

The West Link road scheme now benefits from an extant planning permission (April 2014). Its process has been a long one and is still not complete. A further compulsory purchase public local inquiry/hearing is likely. The principle and broad alignment corridor of the Link has been established in three successive local plans and associated public local inquiries but local opposition remains from parties that feel a route further from the City centre (either as a tunnel or high level bridge) would better serve the City. There is a fundamental difference of opinion between the Council and these parties as to the primary function of the road. Objectors believe it should be routed to perform as a bypass whereas the Council believe it should be routed to optimise cross City movements. The Council's routing allows more efficient cross-City movement. Presently, the lack of an all users link across the south west part of the City adds congestion to the City's southern radials and to the City centre. With the completion of the City's peripheral, allocated, southern neighbourhoods this congestion will get markedly worse without a distributor road link to provide a cross City route alternative. A full Scottish Transport Appraisal Guidance method has been followed in evolving and testing the comparative effects of route options and the Council is confident that due process has been followed. (All supporting documentation is available via the Council's website and will be supplied to the Reporters on request). Accordingly, the Council believes the Plan should be retained without modification.

Sewerage Capacity

There is a planning permission granted for a new waste water treatment plant at Ardersier, Scottish Water has a capital programme commitment to it and it will deliver a net increase in capacity equivalent to extra 8,800 persons which will address the short to medium terms needs of the City. Accordingly, the Council believes the Plan should be retained without modification.

Loss of Green/Recreational Space

The site is now covered by the statutorily adopted Torvean and Ness-side Development Brief [THC/IN South General/3, Adopted Torvean and Ness-side Development Brief] which forms part of the development plan as it is founded on the adopted Highland wide Local Development Plan. It safeguards and promotes the creation of useable public open space at Ness-side (including a riverside and two other green corridors) plus the reconfiguration and enhancement of recreational facilities at Torvean (this is now being progressed via a planning application which was granted permission in April 2014). Presently, there is no formal public open space at Ness-side and access is on an ad hoc basis which has created conflict with local farming and industrial operations. The Council believes that the Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but presently accommodate commercial conifer plantations or have little or no tree cover at all. Woodland retention within the Brief area is maximised and compensatory planting detailed through the West Link and Sports Hub planning permissions. Enhanced existing and new active travel connections are promoted and detailed through the Development Brief. Accordingly, the Council believes the Plan should be retained without modification.

Minimising Loss of Developable Land

The matters raised by Burt Boulton Holdings Ltd (BBH) were considered through their representations on the Development Brief [THC/IN South General/4, Torvean and Ness-side Development Brief City of Inverness and Area Committee Report] and will be re-considered through the compulsory purchase order (CPO) public local inquiry / hearing process. In essence the owner / developer disagrees with the indicative masterplan within the Brief believing it too onerous in terms of developable landtake for surface water drainage facilities, foul pumping station, distributor road connections, active travel connections and greenspace. Through CPO discussions to date, a measure of comfort can be offered by the Council in terms of reduced landtake for drainage facilities but other matters are outstanding – in particular the Council does not believe it should compromise in terms of greenspace provision, direct active travel connections, internal distributor bus route penetration into the Ness-side housing area and emergency / service vehicle connectivity. Discussions are ongoing via the CPO process, which the Council believes is a more appropriate forum to resolve these issues than the Plan Examination particularly where the Brief is statutorily adopted and already forms part of the approved development plan.

IN31 Ness Castle

The Council believes that the Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but presently accommodate commercial conifer plantations or have little or no tree cover at all. Moreover, the approved (Ness) development brief for the area and the planning permissions issued cover the issues of woodland retention, compensatory planting and management. The playing field area is incorrect and should be amended to 1.5 hectares as a factual update.

IN32 Knocknagael

- The Crofting Commission (CC) has decided that the site is surplus to farming needs and it is alleged that the sale of this land is required to cross-subsidise the investment in bull stud facilities that has already taken place elsewhere on the wider unit. CC lodged a proposal for the development of this and adjoining land at the Plan's Call for Sites stage. Its ideas were shown as potential sites at MIR stage. Unwilling to wait for the Plan process outcome, CC lodged an application for largely housing development on this site and adjoining land but after a negative reaction from many in the local community decided to withdraw it and await the Plan's Examination result. The Council believes that limited housing development in this area is appropriate because of a material change in circumstances since the Inverness Local Plan was adopted in 2006 - the construction of the Inverness South West Flood Relief Channel, which has severed a section of the bull stud farm. The lower slopes which are on the City side of the channel are less productive in agricultural terms, and represent a sensible opportunity to infill up to a new, defensible City boundary. Moreover, the site has close proximity to the completed section of the Southern Distributor Road (SDR) and other service connections. The land lies between district centres but has reasonable connectivity to them.
- However, the Council has some sympathy with respondents' arguments particularly in that there is no quantitative housing requirement for an additional housing allocation in this part of the City. Also, a capital receipt that will reduce taxpayers liabilities elsewhere is not an over-riding planning consideration. Developer requirements were

added to address other concerns in terms of: new woodland planting to extend existing green corridors; land for allotments or other suitable public greenspace on site or adjacent, and; a badger survey. Also added was a reference to make developers aware that the SDR developer contributions agreement covers this land.

- Although the land is allocated as a green wedge within the adopted local plan it has never been useable public open space because it is a bull farm nor does it have high nature conservation value. Its development will offer an opportunity to create useable public open space albeit on a smaller area. There will be no impact on the Torbreck or any other woodland and an opportunity to increase planting.
- Safer Routes to School will need augmented if the site is developed but lights controlled pedestrian crossing points of the SDR are available and good connectivity through adjoining housing areas can be designed. A developer requirement to extend existing green corridors for wildlife and people is already within the Plan wording. The site is at a City fringe location close to a primary distributor road and therefore already has comparatively high noise levels.
- Any application on the site will have to demonstrate no net detriment to the pre development surface water regime and therefore the Holm Dell housing area should be at no greater risk. The source of much of the flood waters is further up the slopes at Knocknagael and beyond and it is this catchment that the Relief Channel was designed to intercept. The Channel has a design capacity to accommodate a 1 in 200 year event. There will be a 6 metre development set back from the top of bank of the channel in accordance with the Council's adopted supplementary guidance [THC/IN32/1, Extract from Flood Risk and Drainage Impact Assessment Supplementary Guidance, Pages 33-34] on this issue.
- There is a deficiency of sports facilities across the City as a whole rather than in any particular urban neighbourhood or district. However, the Council and other relevant organisations are promoting two sports hubs at Torvean and the new university campus at Beechwood. If and when developed these will serve the City and wider sub-region. Knocknagael will be well connected to both via the SDR and its proposed West Link extension.
- The Council is unable to comment on whether the land would better be transferred to other farming units, retained for young farmer training purposes or other agricultural purpose. This decision should best be made by the Commission and the persons who oversee its operations. The land is not all of prime quality – it is a mixture of class 3(1) and 3(2).
- The land is eminently serviceable requiring only short extensions and minor enhancements to existing networks.
- The Council is aware of, and planning for, additional primary school capacity on the southern flank of the City. A site for a new school at Ness Castle and monies for further extensions to existing schools have been secured. Construction of a new expanded secondary school commences in summer 2014 at the Inverness Royal Academy.
- Development plans are reviewed every 5 years and therefore there is no guarantee of an in perpetuity "greenfield view" from any property, particularly one on the fringe of a City without any Green Belt.
- The Plan wording allows for allotment provision within this site and on adjacent land.
- The landowner/developer did undertake pre-application consultation but did not reflect the views expressed by the community in its lodged (but now withdrawn) application.
- Respect for adjoining householder privacy is a key consideration in assessing any planning application but there is not a significant difference in levels on the site's boundary with Essich Gardens so overlooking is unlikely to be an issue. If the

Reporters wish to recommend an additional developer requirement to achieve a set-back from adjoining properties then the Council would be content with such a change.

- The rival developer's comments are exaggerated and it is not normally the Council's role to prevent competition between housing site landowner/developers if a site is acceptable in planning terms. The only exception to this would be where the local property market is stagnant and a landowner / developer needs the certainty of a "near monopoly" position to secure finance to progress a scheme. However, this would normally apply in areas requiring regeneration for example urban brownfield sites with high, abnormal development costs. Inverness City fringe sites, with an improving local housing market, do not require such protection. The allocation restricts built development to the lower, flatter land at Knocknagael and within the flood relief channel and with appropriate additional planting the development will not be obtrusive.
- Accordingly, the Council believes the Plan should be retained without modification save the potential set-back from adjoining properties additional requirement.

IN36 Morning Field Road/B861

The site benefits from a planning permission for 16 units at a comparatively high density but the land lies close to the centre of the adopted local plan allocated Culduthel/Slackbuie neighbourhood and is well connected to facilities and services. The applicant is no longer solvent and therefore a new application from a different owner is likely. The site is an urban infill site and raises no insurmountable issues in terms of road access, parking or loss of public open space Accordingly, the Council believes the Plan should be retained without modification.

IN40 Parks Farm

The site benefits from an adopted local plan residential neighbourhood allocation and extant, part implemented planning permission. A connection between the Parks Farm development and General Wade Road would be relatively short and allow a limited number of properties to connect to a higher capacity distributor road and improve active travel connections generally. This would realise a net improvement to traffic levels on the lower section of General Wade's Road. However, this connection is not part of the Parks Farm permission nor is it a Council promoted scheme. Accordingly, the Council believes the Plan should be retained without modification.

IN41 Thistle Road

The Council agrees that the terms of the extant planning permission should be reflected within the Plan and would therefore be content if the Reporters were to recommend such a modification.

IN44 Inshes Small Holdings (north)

The Council concedes that the stated, indicative housing capacity is too high. The figure was derived applying a standard gross density of 20 dwellings per hectare to the 6.7 hectare site. The site area is correct. This standardised approach took no account of the site's constraints which reduce its developable area. In particular, its sloping nature together with the need for woodland and flood risk area setbacks reduce its developability. The site's gradient creates the prospect of overlooking of neighbouring properties and therefore a detailed layout should respect this with a consequent need for setbacks. This was tested through the submission and refusal of a 131 house planning application on the

site which was rejected on the basis of insufficient information, overdevelopment and inadequate setbacks from adjoining woodland. The land is acceptable in principle for housing development and benefits from adopted local plan and approved development brief endorsement and therefore the primary issue is one of acceptable capacity. The very localised, site-specific issues raised by neighbours can be addressed by condition (provided the developer supplies the necessary information and assurances) so matters such as improved roadside drainage, water supply/pressure and road maintenance can be secured via condition (and if necessary future enforcement). Scottish Water has invested in additional storage tanks to serve the Milton of Leys and Inshes areas. The land has been allocated for housing development since the early 1990s and has been used for informal grazing and therefore respondents' concerns about loss of greenspace, rural character and wildlife habitat are exaggerated. It is accepted that immediately adjoining development is of a lower density than that proposed but the site is part of a long allocated, urban, residential neighbourhood not a rural village. There are no trees directly affected by the site's development. The planning office has no evidence of flytipping on the site or any consequent contamination issue but will assess this issue if and when a future application is lodged. Given the above, it is difficult to be prescriptive about an exact density without further site survey assessment and production of test layouts. However, an indicative figure based on 15 dwellings per hectare may be a more appropriate and the Reporters may wish to consider this figure in making their recommendations.

IN45 Inshes Small Holdings (south)

The representation received casts doubt on the effectiveness of the allocation (and of IN43) but has not been followed up with proof of title and a long term written commitment not to release the land by the wider family despite a request from the Council for further clarification. The other objections to development are exaggerated. The land has been allocated for development since the early 1990s being confirmed in two successive adopted local plans. The wooded burn-sides that offer the most habitat and therefore species value and greatest flood risk are not promoted for development. The area is served by two new primary schools which are capable of further expansion and have adequate parking provision within their localities (and safer routes to school active travel alternatives). Localised surface water drainage problems can be resolved via improved watercourse maintenance and surface water drainage devices. Residential development is not a significant source of noise pollution. If the respondent does speak for the wider family then the decision to release land for development would still rest with that person/family. The Council would not use compulsory purchase powers to coerce the development of the land. Accordingly, the Council believes the Plan should be retained without modification.

IN46 Balvonie, Milton of Leys

There are many areas of, to be safeguarded, public open space within many of the new larger housing allocations. The Council has yet to add these areas as cherished greenspace because the layouts and locations of play areas etc are still evolving. If the Reporters see fit, then the Council would be content to commit to identify those established in time to be reflected in the post Examination draft of the Plan. See above and below regarding local primary school capacities. The stated capacity reflects an extant planning permission. The Council is safeguarding land at the Milton of Leys neighbourhood centre for community facilities and the school has a wider community hub role. The allocated land is rough grazing and has low habitat and therefore species value. The areas wooded burn-sides and their margins offer the best habitat value and are safeguarded as connected green corridors. The Council believes that the Woodland

Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but presently accommodate commercial conifer plantations or have little or no tree cover at all. The allocation developments have and will have their own internal play area provision.

IN47 North East of Milton of Leys School

In response to the comments received, the Council believes the Plan's provisions are too imprecise and should be amended to reflect the latest permissions granted at this location. These permissions give land use flexibility but do not support mainstream housing provision which Tulloch Homes are promoting. This centre serves a still developing and exclusively residential neighbourhood. Around 160 houses remain to be developed within the immediate catchment and therefore additional housing is not required within the centre to improve its viability. The centre's distributor road frontage location is a competitive advantage in attracting commercial uses not a reason to substitute mainstream housing uses. It is not visually prominent from the distributor road being set down from it. The site's unkempt condition could be mitigated by the owner/developer and is not a reason to allow a higher value use. The construction of the Co-op building and the arrival of the pharmacy, although long overdue, demonstrate that commercial and community uses will happen as the neighbourhood expands. A care home use would still be acceptable and the Council would consider an application for retail units with flats above as only a partial departure from the development plan. Accordingly, the Council would suggest for the Reporters' consideration that site IN47 is merged with IN62 as a community uses allocation which would also specifically allow a care home and/or related specialist accommodation use (such as a hospice, day care facility or very sheltered housing as an adjunct to a care facility). IN72 should have its uses description widened to commercial to reflect the permission.

IN48 Land at Housing Expo Site

See above and below regarding Milton of Leys primary school capacity. The second phase of the allocation has no approved layout but is very likely to be overseen by the Highland Housing Alliance who promoted the Housing Expo site to the south. This oversight should ensure a reasonably compatible proposal comes forward. However, the Council accepts that the Plan's developer requirements are scant and should be augmented to cover the legitimate concerns raised by respondents. Accordingly, the Council would wish to suggest the following additional developer requirements for the Reporters' consideration: "design, layout and density compatible with adjoining development; falling distance woodland set-back; set-back from Phase 1 properties sufficient to avoid overlooking/loss of privacy". Highland-wide parking and play area standards are set out in other Council approved guidance and do not need re-stated for every allocation

IN49 Bogbain (west)

- This site has been at least part allocated for development since the early 1990s and is a rolled forward adopted local plan employment use allocation. The 2006 adopted Inverness Local Plan allocates the land as part of a wider site for business and commercial use. In response to a representation from the landowners at Main Issues Report stage, the Council agreed to allow a proportion of housing use on that employment allocation furthest from the A9 junction. The Council's aim for this area is to promote business opportunities that will exploit the strategic competitive advantage

of close proximity to a trunk road grade separated junction and provide local employment opportunities to a growing but incomplete residential neighbourhood at Milton of Leys. Only a small increase in housing was endorsed because the Council accepts that there is an adequate and effective housing supply locally within the surrounding neighbourhoods and across the wider City whilst there is a deficiency in the supply of strategic employment sites close to trunk road junctions with spare capacity.

- Heritage and drainage constraints can be addressed through application of the stated developer requirements but a more explicit change (see below) may be desirable to safeguard the affected pond area and adjoining land.
- Many of the objections from neighbours are over-stated. The land is not an area of outstanding natural beauty, is not part of a green belt or wedge, is not an area of wilderness, and has no landscape designation protection. Existing informal recreation routes can be kept and enhanced. There is very little woodland cover within the allocation boundary but some will require be lost to engineer a suitable road access connection from the Milton of Leys distributor road. A compensatory planting requirement is listed which will also create additional habitat. The site is not rural countryside rather it is in a City fringe location with the attendant noise and recreational access pressures that brings. Bogbain Wood itself offers a better, more defined and more defensible City boundary than the limit of existing housing. The Milton of Leys neighbourhood centre has land allocated for sufficient facilities and the wider urban district offers excellent accessibility to higher order facilities. The neighbouring, wider countryside offers plenty of similar and arguably more attractive informal recreation and the health benefits that brings. The site is crossed and bordered by recreational routes leading elsewhere. It is not an area of public open space nor is it a recreational destination or facility (save perhaps the pond area). These routes will be retained and enhanced. SEPA's latest flood risk mapping only indicates that the pond area and its margins are subject to (pluvial) risk in the case of a 1 in 200 year event. However, existing surface water drainage problems suggest a change (see below) may be necessary. The site would access direct to the Milton of Leys distributor (not to Redwood Avenue) and therefore any Redwood Avenue or "past the school" "rat-running to the A9" would not occur. The local road network and A9 trunk road junction have no design capacity issues. The allocation is not contrary to national and Highland policies indeed it has been embodied within Highland policy for 20 years. Policy 75 of the Highland wide Local Development Plan refers to high quality, accessible and fit for purpose open space and the allocation land does not meet these criteria. English planning policy guidance is not applicable in Scotland. The site has no documented connection with the Culloden Battlefield and is well outwith the Battlefield Inventory boundary. The allocation does have a poorer microclimate than other allocated City sites but a similar one to adjoining residential areas. Development on the site will not skyline so long as the Bogbain woodland backdrop is retained.
- Milton of Leys Primary School is scheduled to have an extension added to it in the Council's capital programme and there is sufficient land adjacent to expand it further if required. The original school's communal rooms were sized to allow for future expansion. There is also the option of redrawing the catchment boundary between the Inshes and Milton of Leys schools and it is clear from responses above that not all housing land will be developed in the short term. Larger two stream schools offer educational benefits in terms of more teachers and therefore wider curriculum opportunities. It is unreasonable to assert that larger schools offer a poorer standard of education.

- There has been no lack of transparency in the Plan's consultation process as evidenced by the number of responses, the Council's decision to apply an 80+ metre neighbour notification buffer and the good attendance at the local meeting where the Plan's provisions were discussed.
- The limited support for the site is noted and welcomed. The potential developer's willingness to masterplan the site and to allow for appropriate setbacks to existing housing and the pond area, and retention of footpath networks and green corridors is welcomed. However, to increase the housing capacity beyond 75 units or to leave the number open ended would not be appropriate for a mixed use site and taking account of the need for the set-backs listed above which will limit the net, developable area. The Council agrees that the site is relatively more effective than many other allocated sites in the City and that limited housing will increase the viability of providing more commercial facilities at the neighbourhood centre.
- The above issues raised by respondents suggest, if the Reporters are so minded, that a site area (but not housing capacity) reduction by approximately 50% to exclude that land immediately south of Redwood Avenue and Redwood Court would be appropriate. This is the area of wetland habitat, of poor surface water drainage conditions, that could overlook neighbouring properties, and could provide a useable green corridor for people and wildlife.

IN50 Land south of Asda

This land benefits from successive adopted local plan allocations for mixed use development, an outline (indicative masterplan) planning permission for development as part of the Slackbuie residential neighbourhood and the northern eastern corner from a planning permission for medical centre and pharmacy. The split between uses and their location has changed over time and the permissions granted are not wholly compatible. Accordingly, the Council's Plan content retains flexibility within a curtailed boundary that excludes the treed frontage area which is sloping and offers an attractive amenity. No trees should be affected by the site's development although reference to a falling distance set-back to bordering trees may be appropriate if the Reporters see fit. The prospective developer's desire to increase housing numbers is not appropriate given the availability of other allocated housing site alternatives closeby and the need to reserve land close to the Asda store for employment and community facilities to bolster its role as a genuine neighbourhood/district centre. The site is not rural and is not public open space rather it is allocated land that lies within a City neighbourhood awaiting development. There are other dog walking route alternatives closeby for example within the Culduthel community park, around Fairways golf course and at Castle Heather. Policy 1 of the Plan provides adequate protection for Inverness City Centre from competing developments within this centre or anywhere else.

IN52 East of Culcabock Ave

This site benefits from an adopted local plan allocation and landowner support but suffers from considerable constraints in terms of forming adequate road access together with listed building and policy woodland restrictions. The Council accepts that the policy woodland should be referenced in the site's developer requirements and would be content if the Reporters were minded to recommend such an addition. A similar amendment would also be appropriate to exclude the Psychological Service Building on Culcabock Avenue and other buildings beyond it to the Old Perth Road junction. The most likely access routes are from Thistle Road or from Old Perth Road (dependent upon acquisition and demolition of the Raigmore Motel). The Council accepts the limitations of Culcabock

Avenue as an access route. The Council is promoting a local road improvement scheme to increase the capacity of Old Perth Road and its connection to Inshes Roundabout.

IN54 Drummond Hill

The site will become surplus to its current Scottish Agricultural College use when the College relocates to the new University campus in 2015. Although the site has listed building and woodland constraints it is a natural urban infill site, has limited prominence and reasonable service network connectivity. It would be inappropriate for it to be left vacant or underutilised and therefore the Council is endorsing the principle of limited redevelopment whilst respecting woodland and built heritage constraints. A 26 house capacity is low and would most sensibly be delivered via demolition of the labs and garages to the rear of the site and this land's redevelopment for flatted accommodation. The site does not lie within the conservation area but is close to its boundary and surrounding woodland is protected by tree preservation order. The local road network is not at or near capacity but the Stratherrick/Drummond Road junction does have visibility problems caused by horizontal alignment and footway issues which cannot (practicably) be remedied. The site access has reasonable visibility and could be improved by relocation of the frontage walling. The site does not have an exposed microclimate. Accordingly, the Council believes the allocation should be retained without modification.

IN55 Land at Dell of Inshes

- This site benefits from a mixed use allocation within the Highland wide Local Development Plan (HwLDP) which was adopted as recently as April 2012. It is now also subject to preparation of a detailed development brief which will be adopted as statutory Supplementary Guidance to the HwLDP (and the Plan in due course). There is a pending planning application on the same site for retail development (use classes 1, 2 and 3), public house and allotments. The site's planning history is complex but the Council's over-riding aim in allocating the site was (and is) to assist in the delivery of strategic improvements to the trunk road network, local road network and Dell Burn catchment and its associated flood risk area. These improvements require reconfiguration of existing land uses notably Inshes Retail Park. The Council does not believe that expansion of Inshes Retail Park is a desirable objective in its own right (because it has reached its original physical limits and other better alternatives, particularly within the City Centre, are available) but recognises that reconfiguration of its eastern boundary is necessary to achieve the improvements listed above. Presently, the allocated site comprises rough grazing bordered by woodland, the Dell Burn and several low density, residential properties. The open fields are not accessible public open space but the surrounding woodland does have a public amenity value lining well used routes. The site at one time formed quiet, agricultural smallholdings but is now surrounded by very urban uses - busy road corridors, a retail park and a housing estate. The Council has sisted the application pending the outcome of the development brief process believing that this Brief should determine its policy not the Inner Moray Firth Local Development Plan given that the Brief is already founded on the adopted HwLDP.
- Unfortunately, the Brief will only be approved in draft in September 2014 because there will be a prior consultation on the three infrastructure improvements - the trunk road (better A96 to A9 connectivity), local road and Dell Burn flood schemes. Only when these have been confirmed will the land safeguards for the 3 schemes be apparent and then the Brief can plan for the balance of developable land.
- Meantime, the Council believes the existing Plan wording provides an adequate

framework other than there is an argument for clarifying the uses that would be acceptable within an expanded district centre. A public house use with a local catchment would be acceptable in the Council's view but larger food and comparison retail units that would compete with the City Centre would not. The current reference to bulky goods may be inappropriate given that such units are typically large and may result in an adverse visual impact. The Reporters may wish to consider whether such a clarification of acceptable uses would be desirable.

- In response to other objectors' concerns, a public house if sited away from the adjoining housing would be a suitable use for a district centre particularly one in such an urban and noisy location. It is understood the applicant no longer wishes to pursue a care home proposal but one would still be acceptable in such a location and would have lower traffic generation implications. The Council accepts the prominence of the north-eastern part of the site when viewed from the A9 northbound "gateway" and the Brief will address this issue and limit the footprint and scale of any buildings on this part of the site. No part of the allocation is covered by the green wedge policy within the retained provisions of the adopted Inverness Local Plan. The site's ground conditions are reasonable albeit there is a flood risk from the adjoining Dell Burn. It is accepted that the local and trunk road networks have peak hours capacity problems which is why the site is dependent upon land safeguards to effect improvements to these networks. The site has undergone many consultation processes through the HwLDP, this Plan and will undergo further consultation through the development brief. Retail and other commercial facilities are best located and scaled to maximise their accessibility to the population served. Other things being equal, neighbourhood scale facilities should be located within neighbourhood centres and district scale facilities within district centres etc. The Milton of Leys neighbourhood centre would not be an appropriate location for a large retail unit because it would not be economic for the operator and would not maximise accessibility for the wider population. Woodland impact and the need for compensatory planting will be addressed through the development brief process. However, the Council recognises that the flood scheme is likely to result in a significant loss of existing woodland because there is little option but to widen and attenuate the Dell Burn at this location (prior to its culvert pinch point).

IN56 Essich Road (East)

The Council's allocation does not promote built development. The Council accepts that the flood relief channel should form the new City built development limit boundary and is only accepting allotments or similar greenspace on this site both of which would be acceptable in visual terms.

IN57 Essich Road (West)

There is no quantitative deficiency of housing sites within this part of the City or across the wider Plan area. However, given the site's existing landscape framework, reasonable accessibility to service networks and freedom from other insurmountable constraints, the Council resolved to agree that it had limited development potential but for a community use which would be more likely to have fewer servicing and visual impacts than a housing development. To accept, even low density housing development at this location would set an unhelpful precedent for other small, City fringe sites where there is continual pressure for piecemeal development. The land lies next to 2 large housing allocations which can be comprehensively masterplanned and serviced and that can deliver a similar range of

housing types and tenures. Accordingly, the Council believes the allocation should be retained without modification.

IN58 Land at Gaelic Primary School

The Council accepts that the extant legal agreement would impose a financial penalty on the Council if it were to pursue an educational building on the presently open grassed area. It would be more cost efficient for the Council to expand the Gaelic school on its existing, integral sports pitch and to make replacement sport pitch provision on the open grassed area. The Plan wording encourages such provision though it will be for the Council as Education Authority to determine the optimum arrangement from an educational viewpoint. The legal agreement does not preclude educational use of the grassed area simply imposes a financial penalty if used for that purpose. Accordingly, the Council believes the allocation should be retained without modification.

IN61 Inshes Park

- The proposal by the joint landowners of the Park frontage site has some merit in offering the prospect of a formal entrance and additional parking on the Park's most public edge. The parking could also offer additional and arguably better and safer located, overspill primary school drop-off parking and turning. However, it would come at the price of an incursion into allocated parkland by a commercial use. Commercial use applications on this land have been tested and rejected by the Council and the DPEA at appeal. The Council has sought the community's reaction to the landowners' latest "compromise" proposal and Inverness South Community Council are supportive in principle [THC/IN61/1, Extract from Inverness South Community Council's representation on Inshes and Raigmore Development Brief].
- Currently, the site is not useable public open space but could still be acquired by the Council for this purpose. There is no overriding need or demand to expand the retail park on this edge which would breach the distributor road threshold and break into the park allocation. Accordingly, the Council believes the allocation should be retained without modification.
- The Inshes Park was secured and promoted by the Council. It has a planning permission and is part implemented. Further planting and foot / cycleway improvements remain to be completed particularly in the less formal upper portions of the Park. The Park has enhanced woodland provision in the area both in terms of additional planting and natural regeneration. Accordingly, the Council believes the allocation should be retained without modification.

IN62 Land at Milton of Leys Primary School

See Council's response to IN47 above. The Council believes sites IN47 and IN62 should be merged as a community uses allocation. Recreational use would be acceptable within this merged allocation but should not be its sole use given the demand and need for other community uses.

IN63 East of Balvonie Braes

The Plan is not prescriptive as to the type of open ground community use because of the lack of community agreement on what that use should be. The respondents' views confirm that lack of consensus in the local community and therefore the Council believes the allocation should be retained without modification. The land is reserved for the community

so a continued lack of agreement will mean that the default, existing position will continue.

IN65 Land at Raigmore/Beechwood

This land was allocated for business development (specifically police expansion) within the adopted Inverness Local Plan. These provisions were superseded by the adoption of the HwLDP in 2012 which encloses the same land within a wider, less prescriptive mixed uses allocation. The Plan mirrors the HwLDP in respect of this site. This site will form part of the development brief outlined in IN55 above which will test the desirability or otherwise of the 2 competing ideas outlined by Plan respondents. Police Scotland has advised the Council that the forces merger still has an uncertain impact on property requirements at Drakies. However, it is likely that at least the existing accommodation at Drakies will be required by the police or related services and therefore they request that the expansion option is retained. As explained in IN55 above, the Council will soon (May 2014) publish a local road improvement scheme that will address capacity issues at Inshes Roundabout, the “rat-running” problem along Old Perth Road, and safer routes to school. The landowners’ acceptance that the allocated land and its possible extension to the south should be reserved for business use only is welcomed. The Council may support the site’s extension through the development brief process if it is required for local road improvement purposes and/or police expansion.

IN67 Bogbain (East)

This site has been at least part allocated for development since the early 1990s and is a rolled forward adopted local plan employment use allocation. The 2006 adopted Inverness Local Plan allocates the land as part of a wider site for business and commercial use. It benefits from a previous planning permission for mixed commercial uses. There is a deficiency in the supply of strategic employment sites close to trunk road junctions with spare capacity. The A9 junction slip lanes are of short length but there is no landownership restriction to their extension if required. Transport Scotland has never objected to the allocations at this location. The commercial area is physically separate from and accessed separately to the primary school. The local road network has considerable spare capacity and additional lights controlled pedestrian crossings can be added if necessary. The land is not high quality, accessible and fit for purpose open space and therefore does not comply with the HwLDP Policy 75 tests. The Plan wording already specifies retention and enhancement of existing woodland. See Council’s response to IN49 regarding the adequacy of other, allocated housing sites within the neighbourhood and beyond. The current absence of a proven demand for one use doesn’t mean that another use should be permitted on the same site. The land is not contaminated and its current use does not cause any other negative impact. Indeed many would argue its greenfield state provides a positive impact. There is no logic in allowing a reallocation to housing use when there are other, adequate, better located, already allocated sites for this purpose. The partial reallocation of IN49 to housing use is justified because it is more distant from the A9 junction and lacks the competitive advantage of distributor road commercial frontage. Accordingly, the Council believes the allocation should be retained without modification.

IN68 Culduthel Avenue

The site benefits from a planning permission and could still accommodate a local, neighbourhood shop facility. It has commercial frontage to the primary distributor road which will carry higher traffic volumes once West Link is completed and will serve a more

populous local catchment if and when housing sites at Knocknagael and Ness Castle are developed. The site size is constrained which will limit the available floorspace as well as the parking provision and therefore parking demand. The adjoining woodland is not affected, an acceptable building design permitted and local secondary schoolchildren already have closer and cheaper alternatives for their lunch. Accordingly, the Council believes the allocation should be retained without modification.

IN71 Old Edinburgh Road

This site was allocated for a small shop within the 1994 local plan for the area and erroneously excluded from the Inverness Local Plan 2006 despite a Committee decision to include it. The Council agreed to reallocate it in this Plan because the land fulfills no public open space or amenity function and could meet a demand from a local shop operator. The Fairways golf course development has accommodated demand from small, local, commercial enterprises because of the lack of serviced, available sites for such users elsewhere. The Fairways development has been adhoc and concentrated, and properly planned and serviced sites within adjoining neighbourhoods would be a better solution. The site has commercial visibility to Stevenson Road which is a primary distributor and will carry increasing traffic volumes as the City's southern neighbourhoods are completed. The unit will be small with limited parking and therefore road safety and retail impact issues are exaggerated by objectors. Most sensibly, Old Edinburgh Road South would be widened to dual track as far as the access point to the site which would deliver net betterment to the local road network. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. Regarding the idea of allocating land at Slackbuie for a primary school, the council's evidence is that the Cauldeen Primary School, whose catchment incorporates the Slackbuie area, has spare capacity. On this basis, while shorter and easier journeys to school would be desirable, there is no over-riding need for a new school allocation at this time.
2. No detailed evidence has been submitted on flood relief schemes in this part of Inverness. However the council has supplied some information on this matter, and on the basis of this I am prepared to accept that the extension of the South West Inverness Flood Relief Channel to the A9 is not a high enough priority to warrant inclusion in the plan.
3. Much of the material in the Woodland Trust's representation relates to general policy matters that would apply throughout the Highland Council's area. As such, these are matters that are most appropriately covered in the Highland-wide Local Development Plan. I note that Policy 52 of that plan deals with development in woodland, and includes a strong presumption in favour of protecting woodland resources and a reference to the Highland Forest and Woodland Strategy as a material consideration. There may be more that could be said on this topic, but I consider this is largely a matter for consideration through the review of the Highland-wide plan.

4. That said, impacts on ancient woodland should certainly have been a consideration when selecting sites for allocation in the Inner Moray Firth plan. Where this matter has been raised with regard to a specific site, it is discussed under the relevant allocation. The inclusion in the plan of mapping for ancient woodland is not practical at this late stage in the plan process. The inclusion of ancient woodland that is currently outwith the settlement development area within that area would be misleading as development would not in fact be encouraged there. The Forest and Woodland Strategy is likely to be a better place to describe opportunities for the creation or restoration of woodland, unless there is a clear link to development proposals.

5. The protection of all existing green spaces is not compatible with the requirement for the planning system to identify land to meet development needs. However the proposed plan does identify large areas of land, in South Inverness and elsewhere, as open space that will be protected from development under the relevant policies of the Highland-wide Local Development Plan. I am satisfied that, in general terms, the proposed plan balances the promotion of development and the protection of important open spaces in an appropriate way.

6. Milton of Leys District Centre is discussed below under site IN47 North East of Milton of Leys School. Other site specific matters are discussed under the relevant sites below.

Land at Old Edinburgh Road ('H49' in Main Issues Report)

7. This is a very large area of undulating, but generally north-facing agricultural land, mostly used currently for grazing. The southern, higher part of the site consists of open woodland/ moorland. The site as a whole has a generally open character with weak field boundaries and views out over the city to the north. It does not itself have great intrinsic landscape quality, but does contribute to some extent to the city's landscape setting. There does not appear to be a straightforward means of providing a suitable access for a major development on this site.

8. At Issue 2 I concluded that the proposed plan makes sufficient housing land available to meet requirements to 2025. The council has also demonstrated an adequate supply in the Inverness Housing Market Area. There is therefore no strategic need to allocate additional housing land around Inverness at this time.

9. Due to its scale, the allocation of this land would constitute a major strategic decision for the city of Inverness and would require detailed justification in terms of such matters as access, landscape impact, flooding and drainage, service provision and schools capacity. None of this information is available at the current time.

10. While I would not rule out the possibility that this site might have development potential at some future time, a great deal of in-depth analysis would be required before it could be identified for development with any confidence. For this reason, and because there is no over-riding current need, I conclude that this site should remain outside the Inverness Settlement Development Area for the time being.

Druid's Temple ('H36' in Main Issues Report)

11. This site consists of two arable fields separated by a wooded burn. It is well-contained by mature woodland to the north and west, urban development to the east and rising land to the south. Views over the city are possible from the higher southern parts of

the site. Existing access points would be unsuitable for any significant development, but the representee points to possible access arrangements to the east, which the council accepts as a possibility. The council reports that a pluvial flood risk exists, but it is apparent from its response to a further information request that this constraint does not affect a large part of the site.

12. The representee argues that the site is effective in all other respects, and this is not disputed by the council. My only concern is the urbanising effect development would be likely to have on the pleasant rural lane of Old Edinburgh Road. However I am satisfied that it would be possible to link an access road to Old Edinburgh Road in such a way as to ensure that the interests of cyclists, walkers and existing property owners were protected. This aside, the site has the potential to be an attractive housing development with a minimal impact on the landscape setting of the city. It appears to be less constrained than several other sites that are allocated in the plan.

13. At Issue 2 I concluded that the proposed plan makes sufficient housing land available to meet requirements to 2025. The council has also demonstrated an adequate supply in the Inverness Housing Market Area. There is therefore no strategic need to allocate additional housing land around Inverness at this time.

14. However I do not regard the overall adequacy of the land supply as representing an absolute constraint to my freedom to identify additional land for development. In this case I am satisfied that this land would make a useful contribution to the range and choice of housing sites available in the city.

15 The site is already contained within the Inverness settlement development area, and is not protected open space. Therefore, even as things stand, a housing proposal on this site would receive a measure of support from Policy 34 of the Highland-wide Local Development Plan. The council accepts that a low density housing development should be possible, but argues that showing the site as 'grey land' within the city boundary would be more appropriate due to the constraints and low density. I do not fully understand what relevance the likely density has, and as noted above I consider the constraints appear capable of resolution.

16. I am also conscious that the possibility of development on this land has already been the subject of public consultation through the main issues report. In response to a further information request, the council supplied the comments that were received at that time. Three representations were received: one was a letter of support for development; one (from the Scottish Environment Protection Agency) did not object subject to the inclusion of developer requirements relating to flooding; and one (from Scottish Natural Heritage) related to badger habitat and woodland. I consider these latter points could also be addressed through the inclusion of developer requirements. No adverse comments were received from members of the public at this time.

17. Drawing these considerations together, I conclude that this site appears to be relatively unconstrained, and the concerns that have been raised relating to flooding, woodland protection and badgers could be addressed through the inclusion of development requirements in the plan. Though there is no strategic requirement for its allocation, the site would make an attractive housing site with limited landscape impacts, and would add to the range and choice of supply. While providing more certainty, an allocation would not represent a major change, given that the proposed plan already shows the site as unprotected land within the settlement development area. I therefore

recommend that the land at Druid's Temple ('H36' in the Main Issues Report) be allocated for housing development.

18. In recommending a capacity for the site, I have attempted to follow the methodology set out in the council's Housing Land Requirement Background Paper, assuming a low density of development. In doing so I also note that paragraph 2.12 of the plan states that different capacities than that specified may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory site layout.

IN24 Torvean and Ness-side (southern part)

19. This site was largely allocated in the Inverness Local Plan for a mixed use/residential neighbourhood. It is also allocated for mixed use development in the Highland-wide Local Development Plan. At paragraphs 16 to 18 of my conclusions at Issue 9, I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide Local Development Plan, unless circumstances have clearly and significantly changed. I have seen no strong evidence of any significant change in circumstance relating to this site. I therefore treat the principle of redevelopment at this location as being established.

20. In a similar vein, the principle of the West Link road scheme was established in the Inverness Local Plan and also included in the Highland-wide plan. Furthermore, this proposed road now benefits from planning permission. While I note the opposition expressed to the scheme in its current form by some representees, I do not consider that it would be helpful or necessary for the principle or detail of a scheme that now benefits from an up-to-date planning permission to be analysed in any depth in this examination. Subject to the outcome of the ongoing compulsory purchase public local inquiry, this scheme may now proceed.

21. The proposed plan states that the development of the IN24 site must be in accordance with the Torvean and Ness-side Development Brief. A number of representations take issue with aspects of the council's requirements for the site that are contained in the development brief rather than in the proposed plan itself. These include representations relating to the timing of development relative to the construction of the link road, the design of other new road infrastructure, the need to minimise losses of development land to sustainable drainage features and the footpath network, and the effect of construction on existing occupiers. It is not within the scope of this examination to consider changes to the development brief.

22. It would have been possible, and even desirable, for the plan to have contained some more information on the development of this significant site. But it would never have been practical to have included the mass of detail contained in the development brief in the plan. Some representees consider the development brief flawed, and it would be possible for me to recommend removing the requirement for development to be in accordance with the brief. However the brief has been subject to public consultation and recently adopted as supplementary guidance as part of the statutory development plan. This approach was provided for in Policy 8 of the Highland-wide Local Development Plan. Paragraph 139 of Circular 6/2013: Development Planning identifies development briefs as a suitable topic for supplementary guidance. The brief therefore covers appropriate topics for supplementary guidance, and has a statutory status separate from the Inner Moray Firth plan. For these reasons, I therefore conclude that the reference to it in the proposed plan is appropriate, and decline to recommend any modifications in regard to these

representations.

23. Regarding concerns about sewerage capacity, the council points to commitments to develop significant new waste water treatment infrastructure to serve the city. On this basis I conclude that no modification is required.

24. Regarding loss of wild/ open land, I note above that the status of this land as development land is fully established. Development is required by the plan to conform with the Torvean and Ness-side Development Brief. I note this provides for the inclusion of a significant amount of open space within the development, including a continuous green link from Dores Road to the River Ness, as mentioned by the representee. On this basis I conclude that no modification is required.

25. Concerns are raised about woodland and veteran tree protection, and about access, core paths and safe routes to school. These are important but detailed considerations that are unlikely to impinge on the acceptability of the development in principle. I note that the Torvean and Ness-side Development Brief covers walking and cycling requirements in some detail at paragraph 5.6. Paragraph 5.8 requires the retention of as much woodland as possible. These considerations are illustrated spatially at Map 7, the indicative masterplan for Ness-side. I therefore conclude that these matters have been satisfactorily addressed in the supplementary guidance, and that this is the most appropriate document in which to cover these matters.

26. Sportscotland argue that the plan should provide greater certainty about the configuration of the replacement golf facilities. Though this representation is listed above, I assume it actually relates to the northern part of the Torvean and Ness-side allocation, which is discussed under Issue 11. There I concluded that the golf course proposal should indeed be separated out from the wider mixed use allocation.

IN31 Ness Castle

27. This site is part of a larger area of land allocated for development in the Inverness Local Plan. It also appears to benefit from planning permission. The principle of development on this site is therefore established. Concerns regarding the protection of existing woodland are reflected in the requirements for the site. The council acknowledges an error in the size of the playfield referenced in the proposed plan, and I therefore recommend a modification to rectify this. Other than this, I conclude that no modifications are required.

IN32 Knocknagael

28. This level arable field is bounded by established residential areas to the north and west and by open agricultural land to the south and east. It appears that a suitable access could easily be formed to Essich Road to the west, and I have no reason to doubt that the site is serviceable in other respects. The site appears to be in a marketable location and capable of accommodating an attractive housing development. I have little doubt that the site could form an effective addition to Inverness's housing land supply.

29. I concluded at Issue 2 that sufficient housing land has been made available across the plan area to meet requirements to 2025. In the Inverness Housing Market Area a sufficient supply exists with or without the inclusion of this site. I have also made some additional land available through my recommendation below to allocate land at Druid's

Temple for housing. I therefore conclude that the allocation of site IN32 is not required to meet strategic housing land requirements. However the same could be said of any of the smaller allocations in Inverness, and this site would contribute to the range and choice of land available.

30. The site is currently farmed by the Crofting Commission as part of its bull stud. It appears that a justification for the allocation is that the land is now surplus to the Commission's requirements and has been severed from the remainder of the farm by the new flood relief channel. However the field remains highly accessible from the entrance to the driveway leading to Knocknagael Farm, so I am not convinced that any perceived severance from the remainder of the farm would cause significant practical difficulties.

31. In addition, the council points to an argument from the Crofting Commission that development would cross-subsidise investment in bull stud facilities that has already taken place elsewhere on the unit. In regard to this matter I agree with the council that creating a capital receipt to a Government agency should not be a significant planning consideration.

32. A number of individual matters have been raised regarding the suitability of IN32 for development. The council's evidence is that part of the land is prime agricultural land (class 3.1). Paragraph 80 of Scottish Planning Policy opposes development of such land for housing unless essential as a component of the settlement strategy or necessary to meet an established need where no other suitable site is available. I have established above that this allocation is not required in order to achieve the housing land requirement. Many other housing sites have been allocated in the plan. Therefore I conclude that this allocation is contrary to national policy on prime quality land, albeit it is not clear from the evidence how much of the site is prime and therefore how significant an issue this is.

33. Some representees are concerned about the loss of valued green land and its associated wildlife. While the very openness of the site will confer some amenity benefit, I find that the site is an intensively farmed arable field with little intrinsic attractiveness in its own right. It appears unlikely to me that the site has any special wildlife value, either in itself or as part of any wildlife corridor.

34. The existing urban edge in this area is formed by the southern edge of the Essich Gardens and Culduthel Mains housing estates to the north. This edge is not particularly strong in landscape terms with much urban development clearly visible from the south. However there are a good number of mature trees along this boundary, particularly towards the east. By contrast, the southern and western boundaries of IN32 are devoid of any strong visual landscape features. The new flood relief channel sits below the level of surrounding land and so would not make a strong urban boundary in visual terms. While a new landscaped edge could be created, this would take some time to mature, and in the meantime development of IN32 would create a much weaker urban edge than that that exists at present. Because the site is prominent in views from the gently rising agricultural land to the south, its development would, at least initially, appear as a harsh extension of built development into open countryside.

35. Regarding flood risk, I accept the council's argument that the recent construction of the Inverness South West Flood Relief Channel should prevent flood waters entering the site. Adequate drainage of the site itself could be secured through the design of the development. I note that the Scottish Environment Protection Agency has not objected to the allocation. For these reasons I conclude that flooding and drainage is unlikely to be a

serious constraint.

36. I have no authoritative evidence on the traffic implications of development, but Essich Road at this point appears to be of a good standard, and joins the Southern Distributor Road a short distance to the north by means of a roundabout. I see no reason why suitable footpath links that would contribute to safer routes to school could not be secured as part of the development. I therefore conclude that traffic and access is unlikely to be a serious constraint.

37. The council points to investment in additional school capacity in South Inverness. I have seen no authoritative contrary evidence to indicate that children from this relatively modest development would put the education system under particular strain.

38. Any residential amenity concerns could be addressed through the detailed design of the development.

39. One representee points to an alleged inconsistency of approach with site IN57. I consider that site separately below, but here I am addressing site IN32 on its own merits. The same representee is concerned about undermining the delivery of other nearby sites. There can sometimes be a case for constraining greenfield releases to divert development pressure to more beneficial areas such as brownfield sites, but I do not consider such an approach is justified in this case. I also agree with the council that it is not the role of the planning system to limit competition between developers.

40. Regarding suggested alternative uses for the site, for instance as allotments, I note the council does not control the land, and has made an alternative allocation for allotments or green space on land to the south at IN56. I expect if IN32 is not developed for housing, then its most realistic future is to continue in use as farmland. .

41. In conclusion, while there is no over-riding need for this allocation, I am satisfied that it could form a viable housing development site. However, I have a significant concern that it would represent an unwarranted and visually disruptive incursion into open countryside and create a weaker urban edge to this part of Inverness. Development would also result in the loss of prime agricultural land, although it is not clear exactly how significant an issue this is. For these reasons, and on balance, I conclude that the allocation should be deleted from the plan.

IN36 Morning Field Road/B861

42. This site is a relic area of rough grazing now largely surrounded by modern urban development. It forms part of a larger mixed use/ residential allocation in the Inverness Local Plan and benefits from a planning permission for the number of homes stated in the proposed plan. I therefore regard the principle of housing development as being established, and the potential for the development of 16 homes as having been demonstrated. On this basis, no modification to the plan is required.

IN40 Parks Farm

43. One representee is concerned that the terms of the existing planning permission should be complied with. This is a specific requirement of the proposed plan and so no modification is required.

44. Regarding a possible access from the Parks Farm site across Old Edinburgh Road to potential development land to the west, I discuss the implications for Old Edinburgh Road above under 'Druid's Temple', and refer to protecting the interests of existing users in my recommendation for the Druid's Temple site below. However, such a link is not required for the development of IN40, and therefore no change is required regarding this site.

IN41 Thistle Road

45. The council agrees with the representee that the plan should reflect the terms of the extant detailed permission for this site, particularly in terms of the site capacity. For consistency with the way in which other sites are treated, I also consider a requirement to develop in accordance with the extant permission should be inserted.

IN44 Inshes Small Holdings (north)

46. This sloping north-facing field is well enclosed by existing woodland and topography. It did not appear to be in active agricultural use at the time of my site inspection. The land was part of a larger mixed use/ residential allocation in the Inverness Local Plan. Thus, despite the refusal of an earlier planning application partly on the basis of overdevelopment, I nevertheless consider the principle of housing development on this site as being established. Indeed nearly all representees accept the principle of housing being built here, but question the capacity stated in the proposed plan.

47. The council accepts that the stated site capacity is too high given constraints including the relatively steep slopes, and the need for woodland and flood risk area setbacks. Providing for such setbacks would seem to meet many of the concerns expressed by consultees regarding flooding and drainage, overdevelopment, separation from existing trees and overlooking. I therefore agree that a lower site capacity should be given, for the reasons set out by the council. Given the nature of the constraints that exist, I accept that the council's suggestion of applying a density of 15 houses per hectare would be appropriate. This produces an overall indicative capacity of 100.

48. However I also consider it necessary to itemise additional developer requirements relating to setbacks from existing woodland and residential property in order to ensure that these matters, which are accepted by the council as being valid concerns, are adequately addressed in the development. These are set out in my recommendation below.

49. Regarding the other matters raised: flooding and drainage should be addressed by the existing requirement for a flood risk assessment; the council's evidence is that Scottish Water is addressing the issue of low water pressure in the area; any historic dumping and consequent pollution on the site can be addressed by the developer in due course; the council has referred elsewhere to the investment taking place in additional schools capacity in South Inverness; additional landscaping and open space may be sought as part of the development through the application of the council's normal standards, but specific privacy screening may not be required if sufficient setbacks are provided.

50. I note that, in addition to the parties listed under the summary of representations for site IN44, representations 04299 and 04238 also concern this site. I have addressed the concerns raised in these representations above.

IN45 Inshes Small Holdings (south)

51. This site comprises agricultural land that was part of a larger mixed use/ residential allocation in the Inverness Local Plan. The site appears to have similar characteristics as other areas of land in South Inverness that have been identified and subsequently developed for urban uses. Indeed it is particularly well screened by mature woodland to the south and east, which would be very effective at containing any development within the wider landscape. The woodland and mature trees may well have wildlife value, but this could be protected as part of any development. The proposed plan notes the requirement for a flood risk assessment, but sufficient land appears to be available to accommodate any necessary sustainable drainage measures. I have no reason to doubt the council's evidence that school capacity exists or can be made available.

52. Overall I therefore consider that the site is suitable for housing development. However, the representee states that as owners of Inshes Farm, they have no intention of releasing this land for development. This puts the effectiveness of the allocation into question. Paragraph 120 of Scottish Planning Policy states that local development plans should allocate sites that are effective or expected to become effective in the plan period. Paragraph 55 of Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits identifies ownership as one of the criteria of effectiveness. This criterion is described as the site being in the ownership or control of a party which can be expected to develop it or release it for development.

53. The council points out that no proof of title has been supplied by the representee. However it does not dispute that the representee owns the land, and I have no reason to doubt that this is the case. The council also points out that if the family do not release the land for development, then it will remain as farmland. However it does not serve the certainty that development plans are expected to deliver if plans contain allocations that are in fact unlikely to be developed in the plan period.

54. For these reasons I conclude that this allocation should be removed from the plan. However the site remains suitable for housing development so I consider that it should remain as 'grey land' (i.e. not protected for any other use) within the Inverness settlement development area. In this way, should a planning application for housing development emerge, this can be considered within the relatively supportive framework of Policy 34 of the Highland-wide Local Development Plan.

IN46 Balvonie, Milton of Leys

55. This site forms part of a larger area of land allocated for housing development in the Inverness Local Plan. I understand that the housing capacity now noted in the proposed Inner Moray Firth Plan represents the outstanding number of houses remaining to be built arising from an extant full planning permission. Although I have not seen the detail of this permission, it will define the location of new houses and open spaces within the site, and the developer has the right to construct the remainder of this development according to that permission. A number of concerns about the remaining development are raised by representees, but I find that the principle of the development is fully established, and that therefore the allocation should remain in place.

56. Although the proposed plan identifies the entirety of this site for housing, it is normal for such allocations to encompass small areas of open space intended to meet the local needs of future residents. I would not expect such individual open spaces to be

separately identified in the plan in advance of the completion of the development. This is not the approach that has been taken elsewhere in the plan area, and it would create an inconsistency of approach to do so here. I therefore conclude that no modifications are required.

IN47 North East of Milton of Leys School, IN62 Land at Milton of Leys Primary School and IN72 South of Milton of Leys Primary School

57. Site IN47 is an area of vacant land, apparently awaiting development. It formed part of a wider housing allocation in the Inverness Local Plan. Together with the IN72 and IN62 allocations, the site broadly equates to a community facilities area identified in the Inshes and Milton of Leys Development Brief.

58. Most representees argue that IN47 should not be identified for housing as this use was not provided for in earlier consents, but instead should be allocated for community use, or more specifically a care home. The landowner also asserts that the planning application reference in the proposed plan is wrong, and argues that the entirety of the IN47, IN62 and IN72 allocations should be combined into a single mixed use district centre allocation, incorporating care home, retail and residential uses. They argue that the amount of retail development implied by the size of the IN72 allocation is excessive.

59. There is clearly a long term aspiration to develop a district centre in this area, and I agree that it is very important for the success of the wider Milton of Leys development for there to be some form of community hub on this site (IN47, IN62 and IN72).

60. The planning history of IN47 is quite complex, but it does appear that no general needs housing permission exists for this site, as stated in the proposed plan. All parties appear to agree that a care home would be an appropriate use, but I see no reason why this should necessarily be on this site as opposed to part of IN72.

61. While the recent construction of a Co-op supermarket and pharmacy on IN72 is encouraging, it has clearly proved challenging to secure the development of the range of community uses in this area envisaged in the Milton of Leys Development Brief. However, the opening of these shops, the general economic upturn and the completion of further housing development in the wider area may provide greater demand for community facilities going forward. I note that the development brief mentions a range of community facilities beyond shops, including for instance a public house and day care facilities. I agree that such uses would contribute to the creation of a vibrant district centre, and that the limitation to retail on site IN72 is therefore too restrictive.

62. The council suggests merging IN47 and IN62 into a single community uses allocation. The landowner suggests extending this to include IN72 and requiring a new masterplan for the district centre as a whole. I am attracted by these suggestions, though it would be confusing to include the land taken up by the new school. The planning of this whole area appears to have become confused over the years and a new masterplan would provide an opportunity for a 'fresh start'. I see no reason to place limitations on which precise areas should be occupied by which uses in the local development plan. However, I agree that the distributor road frontage should be used for commercial/ retail uses, which would gain a particular advantage from the visibility this location confers.

63. As regards uses, the main contention is over the acceptability of a residential element. I agree with the council that allowing housing could raise financial expectations

and make the provision of other more beneficial uses less likely. However a housing component can add to the success and vibrancy of developments such as this, for instance by providing unofficial surveillance and day-round activity and improving financial viability. Housing on upper floors would generate these benefits without limiting the prospects for other uses at ground floor level, and I conclude that this is the best solution for the site.

IN48 Land at Housing Expo Site

64. This allocation encompasses both the existing, largely complete, Housing Expo development, and around 2 hectares of undeveloped land to the north. This undeveloped land is well contained by woodland and existing development, appears capable of satisfactory access from the existing development to the south, and no insurmountable constraints have been brought to my attention. It does not currently appear to be extensively or formally used for recreational purposes. I therefore conclude that this is a suitable site for residential development.

65. In the main, representees accept the principle of development, but are concerned about the form this will take and some of the potential impacts. The existing Housing Expo development was a nationally significant demonstration project featuring innovative and unusual examples of house design and residential layout. I agree that this confers a special character on the area that any new development on neighbouring land should not undermine. I therefore support the council's suggested inclusion of additional requirements in this regard, and recommend these below. This requirement will address concerns relating to views, height and design.

66. The proposed remaining capacity of 40 houses equates to around 20 houses per hectare, and so is in line with the medium density typology set out in the council's Housing Land Requirement Background Paper. In my experience, 20 houses per hectare is not excessive for a suburban location, and should allow for all parking demand to be met on-site. I therefore conclude that the capacity of 40 should remain in the plan, as an indicative figure. However I also support the council's suggested addition, which requires density of new development to be compatible with neighbouring development. No further change is required.

67. The council has described how additional school capacity is to be provided, and I have no reason to doubt that this provision will be sufficient to cater for this development. A suitable setback, as suggested by the council and recommended by me, should serve to protect neighbouring woodland. Now that the development of phase 1 of this site is very nearly complete, I see no reason to delay progress with phase 2. It is suggested that the undeveloped land should instead be used for open space/ community uses, but I note that over 7 hectares of land is allocated to the east (IN63) for these purposes. On this basis I conclude that sufficient provision has been made in this area for open community uses.

68. Overall I conclude that this site is suitable for housing development subject to various additional safeguards as suggested by the council and recommended below.

IN49 Bogbain (west)

69. This site comprises an area of heath and sporadic woodland to the south of the existing built-up area of Milton of Leys. The north-eastern corner contains an area of

wetland. Elsewhere the vegetation had suffered from considerable fire damage at some time prior to my site inspection.

70. The site formed part of a larger allocation in the Inverness Local Plan for business/commercial use. A purpose of development plans is to engender a good degree of certainty as to the future use of land and to give developers a measure of confidence to invest. Paragraph 6 of Circular 6/2013: Development Planning states that development plans should indicate where development should happen and where it should not, providing confidence to investors and communities alike. This aim is not served by changing the status of land between successive development plans unless circumstances have clearly changed.

71. In this case, some representees have pointed to new policy and strategy statements aimed, in general, at environmental protection around Inverness. In my view, the proposed plan broadly maintains the approach set out in the Inverness Local Plan which ties ambitious aspirations for growth to the protection of environmental qualities that make the city an attractive place to live, visit and do business. I am not aware of any significant changes in the condition of the site itself (other than the fire damage noted above). The fact that no development has occurred since the adoption of the Inverness Local Plan in 2006 may indicate a lack of demand, but I note that this period coincides with an economic downturn, and that the Inner Moray Firth Proposed Plan proposes an amended mix of uses which may make development more a more attractive proposition in the years to come. Overall, for these reasons, I do not consider there to have been any changes in circumstance of such significance as to warrant a change to the established development plan position that this land should be used for urban development. Nevertheless, for completeness I discuss the various matters that have been raised below.

72. The housing land supply is covered under Issue 2. In response to a further information request, the council supplied a table indicating that the proposed plan contains a surplus of housing land in the Inverness Housing Market Area. Though an element of this surplus serves to balance shortfalls in other housing market areas, I accept that the modest contribution from site IN49 could be foregone without there being an unacceptable impact on the wider housing land supply. The same could be said of any of the smaller allocations in the city.

73. The allocation is largely intended for business use. The council has stated, in response to a further information request, that over 130 hectares of land is allocated for business use in the Inverness part of the plan area. In the absence of a published business and industrial land audit, this is all the information that is available regarding business land availability. While site IN49 does not appear to be as readily developable as the IN67 site to the east, I conclude that it does make some meaningful contribution to the business land supply.

74. In terms of landscape, the site is relatively well contained by existing development (to the north) and woodland (to the south). It is not very prominent in long distance views, and does not perform an important role in providing a landscape setting for the wider city. Development would therefore be acceptable in wider landscape terms.

75. In terms of its value as open space, the site confers some amenity to neighbouring houses by virtue of its very openness. While it had been damaged by fire at the time of my site inspection, I can easily accept that the site would normally have an intrinsic attractiveness, containing as it does a mosaic of semi-natural woodland, wetland and

heath.

76. I found little evidence of active recreational use of the site itself, apart from some faint informal footpaths in the vicinity of the pond. With the exception of this pond area, I consider the main impact on recreation would be on views from the tracks to the east and west of the site, both of which provide access from Inverness to Bogbain Wood and the wider countryside to the south. The footpath to the east would be disrupted to some degree by any access road from the distributor road. While I can understand the desire among some for improved access to the site for walking and cycling, this needs to be balanced against the landowner's aspirations for the land and the benefits that development would bring.

77. The existing urban edge in this area is relatively weak, consisting of the rears of properties in the Redwood Avenue estate and some sporadic trees. The proposed southern boundary does not appear to follow any recognisable feature on the ground and so would be equally weak, though development could provide an opportunity to secure some boundary landscaping.

78. Regarding wildlife and habitats, a matter of concern for many representees is the retention of the pond area in the north eastern corner of the site. The council's suggestion (see below) to reduce the site area to omit this area should allow the biodiversity and educational value of the pond area to be maintained. Elsewhere, while I accept development would remove an area of habitat for some species, I note that the land does not form part of any designated site. Paragraph 196 of Scottish Planning Policy only requires development plans to protect designated areas. Areas of woodland outside the north-eastern corner are limited in extent. For these reasons I conclude that the wildlife value of the site is not such as to preclude development.

79. Regarding flooding and poor ground conditions, while I have no professional evidence on this matter, it was clear from my site inspection that areas of the site along the northern boundary suffered from poor drainage. The council suggests removing this area from the allocation (see below). I consider this would largely resolve this issue. Elsewhere on the site, any necessary sustainable drainage measures could be incorporated into the design of the scheme.

80. Regarding access, some representees appear to have been concerned about additional traffic passing through the Redwood Avenue estate. The actual intention is for a new access link to be provided to the north east directly onto the distributor road. For the avoidance of doubt, I agree with the council's suggestion (in its response to my further information request) that these access arrangements should be included in the requirements for the site. I see no logical reason why the development should increase speeding in the area, and in the absence of any compelling contrary evidence, I accept the council's statement that sufficient capacity exists at the A9 junction.

81. Regarding supporting facilities, the council has described its proposals to extend Milton of Leys School, and on this basis I accept that capacity exists for this development. Overall I expect the relatively modest number of houses that are proposed here will have a limited impact on existing services, but additional housing development should help to support the provision of additional local shops and other services to some extent.

82. The council has accepted that the removal of the area of land south of Redwood Avenue and Redwood Court from the allocation would address some of the concerns

raised regarding wetland habitat, surface water drainage, residential amenity and open space. Tulloch Homes, in its representation, also confirms its intention to incorporate a stand-off area including the pond, and a green corridor between the new development and the existing housing to the north. I agree that the revised boundary would better describe the area that is likely to prove suitable for development by omitting constrained areas. I therefore conclude that the revised northern boundary, as supplied by the council, should be incorporated in the plan. No adequate justification has been provided for amending the southern boundary.

83. I consider that concerns relating to noise and disruption during construction, and to loss of privacy and sunlight could be addressed at the development management stage. In any event, the removal of the northern portion of the allocation should greatly reduce the likelihood of such issues arising. A high quality design can also be secured at the development management stage.

84. Tulloch Homes argues that the housing capacity should not be limited to 75. However bearing in mind the reduced site area, and the council's clear priority to deliver business uses on this site, I consider that a capacity of 75 remains appropriate.

85. The feature of historical importance that has been highlighted is the route of General Wade's military road which runs to the west of the site. The road itself would not be compromised by the development, and I note that the existing Milton of Leys neighbourhood already abuts this road for some distance to the north. For these reasons I do not consider that the existence of this road significantly affects the suitability of the IN49 site for development.

86. In conclusion I find that the development of IN49 would bring about the loss of an attractive area of upland countryside and much of its associated wildlife habitat. However the site is an established part of the development land supply, appears capable of development in all respects and does not contain any environmental or other features of more than local value. On balance I therefore conclude that, subject to the removal of the most sensitive parts of the site, the allocation should be maintained.

IN50 Land south of Asda

87. This area of rough grassland was allocated for a variety of uses in the Inverness Local Plan. The principle of its development is therefore established, and no significant changes in circumstance have been brought to my attention.

88. Though the land has no formal status as open space, a number of well-used footpaths indicate that it is used informally for recreation. However I note that there are several other designated open spaces nearby, including Castle Heather Park, land around Fairways Golf Course and land south of Culduthel Mains Road. The open countryside is also relatively close to the south. In these circumstances I do not consider it essential to redesignate the IN50 site as open space.

89. Regarding housing capacity, while it would clearly be possible to develop more than 24 houses, this is a mixed use allocation within which housing development will form only one component. The council clearly wishes to retain some flexibility over the exact final mix of uses. No alternative housing capacity has been suggested, and in the absence of any clear evidence to the contrary, I am content to allow the proposed plan's stated capacity of 24 homes to stand.

90. The northern boundary of the site is marked by a line of impressive mature broadleaf trees. These trees add greatly to the character and attractiveness of the wider area and potentially to any development of IN50. I therefore consider it imperative that they be protected from any adverse impacts of development, and support the council's suggestion that a set-back distance should be incorporated among the requirements for this site.

91. Potential impacts on the amenity of neighbouring areas can be adequately protected at the development management stage.

92. Regarding the suggestion that the plan refers to the type of retail as well as the scale, the council argues sufficient protection is given to the city centre by Policy 1 of the plan. This policy resists any development that would have an adverse effect on the vitality and viability of the city centre. I agree that Policy 1 achieves the outcome sought by the representee and therefore no change to the requirements for site IN50 is required.

IN52 East of Culcabock Avenue

93. This site incorporates Drakies House and a large area of open space to its north. Concerns have been expressed about the fine trees that line the open space to the south-west and east, and the council suggests that a reference to the protection of these should be included in the plan. I agree that the trees contribute greatly to the character of the site and the wider area, and therefore that such a reference should be included.

94. A building used for staff accommodation for the council's psychological service appears to have been included in the allocation in error, along with some other buildings along the Culcabock Avenue frontage. I agree that these buildings do not appear to be available for development and should therefore be removed from the site.

95. Access concerns regarding the site appear to be well-founded. Old Perth Road is a busy arterial route, and any possible access point to the site from the north would emerge close to the junction with the B9006. Culcabock Avenue itself is narrow, with parked cars effectively rendering it a single track road. It appears that the council has not arrived at a fixed view as to how any access should be achieved, but refers to the possibilities of access from Thistle Road from the south and a scheme to improve capacity on Old Perth Road. In these circumstances it is not possible to be more specific regarding access in the plan, but I support the existing reference to the need to address access improvements in the masterplan/development brief.

96. Regarding the capacity of the site, the proposed plan refers to low density housing, and the site capacity appears to have been arrived at by applying the council's definition of low density (10 dwellings per hectare as described in the Housing Land Requirement Background Paper) to that part of the site away from the Old Perth Road frontage. Much of the southern part of the site may not be suitable for new-build development, but Drakies House may have capacity for conversion to a number of flats. On balance I therefore conclude that the indicative capacity given for the site is appropriate.

97. It should be possible to resolve any concerns regarding surface water drainage at the development management stage.

IN54 Drummond Hill

98. There is no dispute that this land will be suitable for some form of redevelopment

once it becomes surplus to the requirements of the current user. The main concern is over the proposed density of development. The council appears to have derived a capacity of 26 units by applying its low density assumption (as referred to above) of 10 units per hectare to the site area.

99. I find that the site is subject to particular constraints that are likely to greatly diminish the developable area. These include the need to maintain the setting of the listed building and protect existing trees. On the other hand the site is reasonably central within the built-up area and therefore a relatively intensive form of development, for example low-rise flats, may be appropriate on those parts of the site that are suitable for development. On balance I therefore conclude that the capacity estimate given in the plan is reasonable, noting that paragraph 2.12 of the plan states that these capacities are indicative and may change subject to detailed design.

100. Regarding access, I am satisfied that this matter is adequately covered in the proposed plan, which states that the masterplan/ development brief for the site must address improvement of the Stratherrick Road access.

101. The community council desires to be party to any brief that is prepared. This matter is largely outwith the scope of this examination, but I note that supplementary guidance is legally required to be subject to consultation with interested parties.

IN55 Land at Dell of Inshes

102. This site currently consists of grazing land bounded by urban development to the north, west and south. The A9 lies to the east beyond a small area of open land. The site forms part of a larger mixed use allocation in the Highland-wide Local Development Plan. At paragraphs 16 to 18 of Issue 9, I concluded that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. A number of matters have been raised by representees regarding the potential development of this site, including the need for the development given opportunities elsewhere and suggested alternative uses. However the only significant changes in circumstance since the adoption of the Highland-wide plan in 2012 appear to be the council's progress preparing a development brief for the site, and Transport Scotland's publication of route options as part of the A9/ A96 connections study. Neither of these matters put in question the principle of developing this land. I therefore consider the principle of development as being established and decline to delete the allocation.

103. Turning to matters of detail, several representees are concerned about views from the A9 and the maintenance of a green wedge between this road and the built-up area. I agree the eastern part of the site is prominent from northbound traffic descending the hill south of Inverness. The past planning of Inverness's southern expansion has indeed maintained a separation from the A9 in both physical and visual terms. It is also significant that National Planning Framework 3 identifies the A9 as a scenic corridor.

104. However the council's emerging development brief recognises the sensitivity of the eastern part of the site and requires built development to avoid encroaching on this area. This development brief will in due course be adopted as supplementary guidance and so form part of the development plan. However given the significance of this matter, and in order for the plan to be clearer about what is intended for this site, I consider that a reference to avoiding development in this eastern area should be included in the plan's

requirements for this site. Subject to this change, I conclude that the protection of views from the A9 has been adequately addressed by the council.

105. Regarding the mix of uses on the site, I accept the council's view that what is envisaged here is to some extent a reconfiguration of the existing retail park. However the further detail provided in the draft development brief differs somewhat from what is stated in the proposed plan. The council is also now of the view that bulky goods retailers may not be appropriate due to their visual impact. Given the concerns about views of the site from the A9, I share this opinion. A public house and/ or other food and drink use would improve the vibrancy of the wider retail park and provide a facility for the local community. Such uses are not unusual in residential areas, and so provided a sufficient separation is maintained to established housing, I consider that no unacceptable amenity problems should arise. Policy 1 of the plan serves to protect the vitality and viability of the city centre.

106. I consider that the plan and the development brief should be consistent where possible. Given the more up-to-date and thought-through status of the draft brief, I therefore recommend that an amended list of uses be included in the plan consistent with that set out in the draft development brief and with the other considerations identified above.

107. Regarding flood risk, a key consideration for the council in the planning of the wider area is the improvement of the Dell Burn catchment. Part of the justification for releasing this site is to allow for some reconfiguration of the retail park to allow flood risk reduction measures to be carried out. The need for a flood risk assessment is included among the requirements for the site. Suitable sustainable drainage systems can be incorporated into the detailed design of any proposal. For these reasons I conclude that flood risk is not an insurmountable barrier to the development of this site, and no modification is required.

108. Regarding traffic and transport, the draft development brief allows for the route options considered under Transport Scotland's A9/A96 connections study. The council is progressing improvements to the Inshes junction aimed at increasing capacity, relieving congestion and accommodating development. The brief also addresses the improvement of walking and cycle routes. No evidence has been presented to indicate that these improvements will be insufficient. I therefore conclude that no modifications relating to traffic and transport are required.

109. Regarding a supposed inconsistency with the Highland-wide Local Development Plan, I consider it to be natural for this area local development plan to contain more detail than the council-wide document, for instance about the precise mix of uses. I therefore identify no inconsistency.

110. Regarding trees and woodland, the draft development brief requires the safeguarding of existing green network features. However it may be that some tree loss will be required to allow for the access and drainage improvements that are envisaged. None of the area appears to have the characteristics of ancient woodland. I therefore conclude that no modifications regarding trees are required.

IN56 Essich Road (east)

111. The only representation relating to this site appears to be based on a misconception that built development is proposed. As this is not the case, there is no

issue for me to address and no modification is required.

IN57 Essich Road (west)

112. This small paddock is well contained by existing housing, woodland, and mature field boundaries. Therefore, while development would extend the built-up area into the countryside, this would not be particularly obtrusive: much less so than the IN32 proposal to the north-east. In any event, by proposing the site for community uses, and including it within the settlement development area, the council appears to accept the principle of development. Because there is no representation seeking for the land to remain undeveloped, an allocation will be included in the adopted plan. The question before me is therefore not whether the land should be built upon, but what the new use should be.

113. There is no quantitative shortfall in the housing land supply in Inverness, and therefore there is no pressing need to identify additional land for residential development. However much of the supply is made up of large allocations suited for the expansion of the type of housing estates that already characterise much of south Inverness. There are fewer opportunities for smaller scale low density developments, and I agree with the representee that this site would improve the range and choice of site available.

114. No need for any community facility here has been identified by the council, and the council does not appear to have a particular user in mind. The proposal for a community development is not supported by the landowner and therefore is of questionable effectiveness.

115. The council does not contradict the evidence of the representee that IN57 could form an effective and serviceable housing site. Rather it is concerned about precedent. I find that this site directly abuts the existing built up area, is exceptionally well-contained by vegetation and existing development, and does not have an important role in the landscape setting of the city. I doubt that there are a large number of sites that display all these characteristics, and I am therefore less concerned about creating an unhelpful precedent than the council. In any event each case must be dealt with on its own merits.

116. The council asserts that community uses would be likely to have fewer servicing and visual impacts than low density housing. Much will depend on the community use involved, but I do not consider this would necessarily be the case.

117. On balance I conclude that, given that the site is to be allocated for some form of development, it should be allocated for housing rather than community use. I am led to this conclusion principally by the fact that no particular community development appears to be immediately in prospect or required, and there appears little likelihood of the landowner releasing the site for community use.

118. The site is in a sensitive urban fringe location and therefore I agree that the density should be low, and the requirements set out in the proposed plan should be maintained. Applying the council's low density assumption from its Housing Land Requirement Background Paper produces an indicative capacity of 12.

119. The representee also seeks the inclusion of a larger area of land around Drumdevan House in the settlement development area. I consider that this land currently displays a generally rural character, and that the wooded western boundary of site IN57 currently forms a strong and defensible urban boundary. I therefore conclude that the

settlement development area should not be extended.

IN58 Land at Gaelic Primary School

120. The undeveloped part of this site is currently featureless amenity grassland, though a small public car park has been provided near the roundabout. It was being used by dog walkers at the time of my site inspection.

121. The proposed allocation incorporates both the school grounds and the amenity space, and is for an extension to the school and for recreational space. It is the possibility of built development on the amenity land that representees are concerned about. Any necessary extension to the school would clearly have to take place somewhere within the allocated site, or on other recreational land to the west. While the council raises the prospect of the extension being built within the school grounds, it clearly wishes to retain some flexibility.

122. Without knowing the school's educational requirements and the development implications of these, it is not appropriate for me to impose a particular design solution on the education authority. I also note that the existing amenity land does not appear to have any special qualities beyond its openness and accessibility. I therefore conclude that no change to the plan is required.

IN61 Inshes Park

123. This area of rough grassland occupies a prominent position to the south of the Inshes Retail Park, on the junction of Sir Walter Scott Drive and Inshes Road. It has been intended by the council to be an integral part of the developing Inshes Park for some time, but the land is not controlled by the council. There are some faint paths on the site, but no evidence of any more intensive recreational use at present. The representee seeks its redesignation as a commercial allocation, with the northern part laid out as an extension to the existing park to the west, and additional public parking.

124. The current vacant state of this site is unsatisfactory. While not seriously unsightly it does offer a somewhat unkempt appearance, and it is undesirable for the site not to be in active management. The prominence of the site from the distributor road network makes it particularly important that the site is put to a beneficial use.

125. However I am not convinced that a commercial/ retail use would be appropriate here. Firstly, retail proposals have been refused on appeal on this site previously and it is important for the planning system to act consistently. Secondly, commercial development would effectively extend the Inshes Retail Park across Inshes Road, which would not be desirable in terms of safe and easy pedestrian movement. Thirdly, additional retail development could potentially affect the vitality and viability of other centres. Though I have no detailed evidence to take a view one way or the other on this aspect, the plan already promotes an extension of the retail park at site IN55, and I am wary of increasing it still further without a better understanding of the retail impact.

126. Inshes Park is the main public open space component of the South Inverness expansion area, with this site having been earmarked for inclusion in the park for many years. The council refers to the possibility of acquiring the site for public open space. In these circumstances I conclude that the site should remain as a community allocation for the time being, while efforts continue to secure its integration with the remainder of the

park.

127. The Woodland Trust merely supports further planting in this park.

IN63 East of Balvonie Braes

128. This arable field is relatively well contained by woodland and existing built development, but lies in close proximity to the A9, and is briefly visible from this road at the eastern corner of the site. A clear visual and physical separation has been maintained historically between the A9 and Inverness's southern expansion area to its west, and I therefore agree with the comment of Residents' Association that proposals for this site should not disrupt this 'green wedge'.

129. However the proposal is for open ground community uses, with any ancillary built development (for instance changing facilities) set back from the A9. I therefore conclude that the proposed plan contains adequate safeguards to protect the undeveloped character of the approach to Inverness along the A9.

130. I note the concerns that the site is somewhat separated from existing housing areas, and is too secluded for unsupervised recreation. However I believe these concerns are overstated. The site directly adjoins the residential area of Milton of Leys, and alternative opportunities to provide a recreational area of this scale that would be subject to natural surveillance do not appear to exist. I therefore conclude that no modifications are required.

IN65 Land at Raigmore/Beechwood

131. The main area of dispute concerns the open land south west of the Police Scotland building. The part of this area closest to the Police Scotland building forms part of a larger mixed use allocation in the adopted Highland-wide Local Development Plan. At paragraphs 16 to 18 of Issue 9, I concluded that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. The establishment of Police Scotland and the preparation of a draft Inshes and Raigmore Development Brief are possible changes in circumstance, but neither appear to affect the suitability of the land directly adjoining the Police Scotland building for development. The Council states that Police Scotland still wishes to maintain the option of expanding onto this area. I therefore conclude that there is no reason to depart from the established planning status of this land, and that therefore it should remain as part of the business allocation.

132. I turn now to the land further to the south-west, currently proposed as part of a larger open space allocation. This land is currently farmed, but is now totally enclosed by urban uses. As a flat featureless area of land, I share the representee's view that it has no particular amenity value, though its very openness will contribute to the amenity of properties on Drumossie Avenue to the west. The possibility of a retail allocation on the site was subject to public consultation at the main issues report stage of the plan.

133. I consider that, as this site is now fully within the built-up area of the city, it is not reasonable to require it to remain in agricultural use. As noted above, the site does not have any particular amenity or recreational value, and no specific proposal to bring it into recreational use or otherwise make it available for public access appears to exist. For these reasons I consider that it is sensible to identify a suitable urban use for this land. It

would not be desirable to extend the Inshes Retail Park across Sir Walter Scott Drive, because of the physical and visual barrier created by this busy road. The site adjoins an existing business allocation, and this is the use sought by the landowner. I therefore conclude that site IN65 should be extended to incorporate this land.

134. I note that the development brief for the Inshes and Raigmore area is still in draft form. Therefore any necessary requirements relating to this additional land, for instance relating to access, landscaping, protection of residential amenity and safeguards for transport schemes, can be incorporated in the final version of the brief.

135. Regarding the inclusion of Raigmore Hospital in a business allocation, I agree that this appears unusual, but I am prepared to accept it as a non-conforming use within a wider business area. The issue of rat-running on the Old Perth Road residential slip is not one for the local development plan to address.

IN67 Bogbain (East)

136. This allocation comprises three arable fields benefiting from close access to the A9. It forms part of a larger allocation for business/ commercial use in the Inverness Local Plan, so the principle of development is to some extent established. However, since that time, and despite some locational advantages, it has not proved possible to secure investment in business development on this site. Representees therefore seek its allocation for a wider range of uses, including some housing.

137. The council has stated, in response to a further information request, that over 130 hectares of land is allocated for business use in the Inverness part of the plan area. In the absence of a published business and industrial land audit, this is all the information that is available regarding business land availability. The IN67 site contributes 18.2 hectares to this figure, and I therefore conclude that it does make some meaningful contribution to the business land supply.

138. I concluded at Issue 2 that sufficient housing land has been made available across the plan area to meet requirements to 2025. In the Inverness Housing Market Area a sufficient supply also exists. Therefore there is no strategic requirement to allocate this site for housing. Nor has any need been identified by representees for further land for tourist-related or commercial leisure development in the Inverness area.

139. I accept the evidence from Graham & Sibbald that this site may not be particularly marketable at present for business development. In the absence of such development, the site will remain as agricultural land. I regard this outcome as being perfectly acceptable for this site, lying as it does beyond the existing urban edge.

140. It does not serve the certainty and predictability that development plans should be putting in place for them to contain allocations which have little chance of being developed in the plan period. I have therefore considered deleting this allocation altogether. However I am conscious that the period of its non-development coincided with a sharp economic slowdown, and that prospects for its development may improve over time. On balance I therefore conclude that the allocation should be retained in its current form for the time being.

141. Regarding traffic, landscape and wildlife, I am not aware that circumstances have changed significantly since the allocation of the site in the previous plan. I accept the

council's evidence that capacity exists in the road network and that the A9 slips could be extended if required, as referenced in the requirements for this site. The protection of woodland and the creation of a defensible and attractive city edge are also already included as requirements in the plan. I therefore conclude that no modification is required.

IN68 Culduthel Avenue

142. While it may be that the planning permission for retail development on this site has now lapsed, that permission does nevertheless indicate that an acceptable proposal is possible for this site. I note that access arrangements are already in place to support development. I consider it is beneficial for small shops and other community facilities to be located within new residential areas in order to limit travel distances and contribute to community cohesion. It may also be that small units can meet a different demand from that met by supermarkets, for instance for local services such as hairdressers. I accept the council's argument that further housing development in the area as provided for by this plan may help support the eventual delivery of shops on this site, as might the generally improving economic climate. For all these reasons I conclude that the allocation should be maintained.

IN71 Old Edinburgh Road

143. This is a rough overgrown site between parkland to the east and Old Edinburgh Road to the west. The main concern among representees relates to access and parking. However I consider that these concerns are overstated. Given the site area, any new shop would be small and likely to serve only a local catchment. Traffic generation would therefore be low. In any event it should be possible to accommodate any necessary access improvements and parking within the site.

144. Although the site is only 0.3 hectares and somewhat awkwardly shaped, it would still be capable of accommodating a small shop unit. As for site IN68 above, I consider that such small neighbourhood shops can provide a useful function in the retail hierarchy. It is inconceivable that a unit of this size could have any significant effect on the city centre or other district centres. For all these reasons I conclude that the allocation should be maintained.

Reporter's recommendations:

It is recommended that:

1. The land at Druid's Temple, Inverness, identified as 'H36' in the Inner Moray Firth Local Development Plan Main Issues Report, be allocated for housing use, with the site area noted, a housing capacity of 96, and the following requirements: "Development to be set-back at least 6 metres from the top of the bank of any watercourse; set-back from woodland around and within the site; suitable connection to the Inshes- Milton of Leys distributor road through the Parks Farm development that protects the existing interests of walkers, cyclists, residents and businesses using the Old Edinburgh Road; a badger survey; and the carrying out of any necessary measures to protect badgers".
2. Within the requirements for Site IN31, the phrase "2.5ha of playfield area" be replaced with "1.5ha of playfield area".

3. Site IN32 Knocknagael be deleted from the plan and excluded from the Inverness Settlement Development Area.
4. The capacity for site IN41 Thistle Road be amended to 13. An additional sentence be added to the requirements for this site to read: "Development in accordance with planning permission 08/00255/FULIN."
5. The capacity for site IN44 Inshes Small Holdings (north) be amended to 100. Add additional requirements for site IN44 as follows: "Setback from existing woodland; setback from existing housing to north sufficient to ensure adequate levels of privacy."
6. Site IN45 Inshes Small Holdings (south) be deleted from the plan and shown instead as 'grey land' within the Inverness Settlement Development Area.
7. Sites IN47, IN62 (omitting grounds of existing school) and IN72 be merged into a single mixed use allocation 'East of Milton of Leys Primary School'. The site area be amended as appropriate. The uses be shown as: 'Retail, commercial, community, care home, recreational space, 16 homes'. The requirements to be: "Developer to prepare masterplan/development brief to be agreed with the council which may adopt this as supplementary guidance; distributor road frontage to be reserved for retail/ commercial uses; residential use restricted to upper floors; contaminated land assessment and any resultant mitigation."
8. The following words be added to the requirements for site IN48 land at Housing Expo Site: "design, layout and density compatible with adjoining development; falling distance woodland setback; set-back from phase 1 properties sufficient to avoid overlooking/loss of privacy."
9. The northern boundary of site IN49 be redrawn as per the map attached to the email on this subject from Highland Council dated 29 September 2014, and a revised site area given. The area between the reduced allocation and the existing Redwood Avenue estate to be identified as open space on the South Inverness map.
10. The following words be added to the requirements for site IN49: "Road access to be taken direct from the Milton of Leys distributor road."
11. The words "setback from trees on northern boundary" be added to the requirements for site IN50 Land south of Asda.
12. Land at 11 to 13 Culcabock Avenue, the Shell garage on Old Perth Road and intervening properties be removed from site IN52 East of Culcabock Avenue.
13. The words "retention of trees in south-western and eastern parts of site and appropriate development set-backs" be included among the requirements for site IN52 East of Culcabock Avenue.
14. The list of uses for site IN55 Land at Dell of Inshes be amended to read: "Shops and services (excluding convenience retail and bulky goods), food and drink, public house, allotments, open space, landscaping."
15. Adding the words "minimising impact on views from the A9 by avoiding new building in the eastern part of the site" at the end of the requirements for site IN55 Land at Dell of

Inshes.

16. Site IN57 Essich Road (west) be shown as a housing site and not a community allocation. The words "Uses: Community" be deleted and replaced with "Housing Capacity: 12".

17. The business allocation at site IN65 Land at Raigmore/Beechwood be extended to the south west to incorporate the entirety of the agricultural field bounded by the Police Scotland complex, Sir Walter Scott Drive, the rear of properties on Drumossie Avenue and the amenity/recreational land to the south-west; the site area be amended.

Issue 13	East Inverness	
Development plan reference:	(Paras. 4.15-4.17, Pages 48-51)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dr Donald Boyd, Westhill Community Council (00324) Balloch Community Council (00492) Scottish Prison Service (00662) Inverness Estates (00944) Macdonald Hotels Ltd (00985) Fraser Hutcheson (00986) The Executory of Hector Munro (01311) Catriona Johnson (01669) Neil Galloway of Macdonald Estates (01813) Neil Hornsby Highlands & Islands Green Party (01923) Turnberry Consulting (03150) James Higgins (03950) Brian Boag (03982) Irene Fox (03989) Harry H Kelly (03993) Carol Christie (04096) Caspian UK (04110)</p>	<p>Sandy Robertson (04150) Paul Bova (04154) David Riach (04173) The Seafield Farm Trust (04217) Lynne Bradshaw (04258) Andrew Bradshaw (04260) Maria de la Torre, Lochardil & Drummond Community Council (04353) Allan Robertson (04366) Iain Sime (04369) Highlands Small Communities Housing Trust (04381) F&C REIT Asset Management (04407) M Cameron (04432) William Calder (04483) Ken MacLennan (04484) Scottish Council for Development & Industry (SCDI) (04485) John & Avril Thomson (04514)</p>	
Provision of the development plan to which the issue relates:	East Inverness urban district	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Neil Hornsby Highlands & Islands Green Party (01923) - Supports new district park proposal and intended supplementary guidance at Ashton Farm but urges speedy provision because of commitment made in last local plan. Disappointed with (p 33 of the Transport Appraisal) the designation of relocating the bus station nearer to the rail station as a 'long-term aspiration' because this is important to revitalise the city-centre. Disputes business case for West and East Links and believes active travel connections are preferable and will not have the same adverse impact on greenspace. Requests Beechwood/Inverness every 20 minutes Light-Rail Shuttle and Halt to be included in the Plan because of connections between Campus and city centre student accommodation now consented. Halt to be on a separate siding off the main line and would tie in with the Park-and-Ride facility at East Inverness. Objects to Energy from Waste facility provision because of lack of prior public consultation and no business case.</p>		

SCDI (04485) - Believes that East Link (A96 to A9 road connection) is essential to opening up housing land at East Inverness and therefore the Plan should do more to assist its delivery.

New Sites Previously Consulted On

Neil Galloway of Macdonald Estates (01813) - Seeks expanded development potential at Balloch farm because: the Council's planning policies recognise that housing requirements must be addressed; there is a backlog of housing provision not met during the economic downturn; the Balloch Farm site is effective in the short/medium term unlike other allocated sites; the site was included in the Main Issues Report and is partly enclosed within the City development boundary; a suggested development has been masterplanned (copy supplied); of the potential to create an attractive residential environment, together with community and open space uses, which the current allocations promoted in the Proposed Plan do not do; the wider development package would support the extension and improvement of recreational facilities at Culloden Academy, the formalisation of green/open space in the area, the provision of community uses for use by proposed and existing residents in a locality where they are deficient, and the creation of an established buffer between the settlements of Culloden and Balloch; the site is flat, developable and could be phased if necessary; the development could offer local road improvements and tap into the extra capacity created by the A96 improvements; land is accessible to the local public transport system and the proposed development encourages walking and cycling through the site and beyond with the creation of walkways/tracks throughout the site; loss of farmland compensated by wider benefits to the community, and; masterplan layout retains the semi-rural character of the wider locale [01813/IN East General/1: Balloch Farm Expansion Area Submission].

IN73 Easterfield Farm

Dr Donald Boyd, Westhill Community Council (00324) - Supports stated need for junction improvements.

Highland Small Communities Housing Trust (04381) - Seeks increased housing capacity because 21 homes does not reflect the number which would be required to economically develop the site.

IN74 Caulfield Road

Brian Boag (03982) - Seeks tighter developer requirements to ensure new development is compatible with existing and surrounding development.

Irene Fox (03989) - Seeks reduction in capacity because: previous planning permission was for 3 units reduced from 5, and; adopted local plan allocates the site as an amenity area.

Dr Donald Boyd, Westhill Community Council (00324) - Seeks reduction in capacity because of site constraints of mature woodland and need for falling distance set-back and need to retain existing footpaths.

Highlands Small Communities Housing Trust (04381) - Seeks increased housing capacity because 8 homes does not reflect the number which would be required to economically develop the site with a considered layout.

John & Avril Thomson (04514) - Object because of: lack of detail; excessive capacity relative to original figure of 3 units; encroachment on to land which was part of the Castlehill Phase 2 estate; blockage of the pathway leading from Castlehill Park to Caulfield Road; loss of amenity ground by the local population to exercise their pets, and; loss of habitat and consequent adverse impact on protected and other species.

IN75 Resaurie

Carol Christie (04096) - Objects because of: flood risk; inadequate local road capacity; extant capacity of previously allocated (1994 local plan) larger site (72 units) was all but exhausted by completion (68 units) of southern part of that larger site by 2004; Council has incorrectly used the increased density and taller housing types of development permitted on the southern part of the site to justify a similar "ramping up" of the density on the northern part of the original site; 2004 Inverness Local Plan public local inquiry report notes that the site may be ineffective and this was likely to refer to flooding and access constraints; Council's housing land audits have recorded the site as constrained recognising infrastructure (implied flooding and access) and ownership constraints; the site mysteriously only became effective when a planning application was lodged by Barratts; there is no proper justification for rolling the site forward from one plan review to the next; this land forms/formed part of the green wedge to urban area transition area referred to in the Council's statement to the 2004 public local inquiry on the issue of green wedges and is therefore not a natural urban infill site; of loss of residential amenity, and; of lack of development plan allocation neighbour notification in 1994 and 2001-4.
[04096/IN75/1-5, Photographs of Site] [04096/IN75/6, Levels Data]

Sandy Robertson (04150) - Objects because: groundwater in the area is contaminated with relatively high lead levels derived from granite and metasediments and tests conducted by Barratt in 2007 revealed that lead was present in the groundwater on average four times higher than the WHO permissible limit for human ingestion; contaminated groundwater will mix with surface water and therefore affect local residents particularly if consumed by children or pets; this contamination and safety risk should have led to the site being rejected as part of the Plan's SEA site assessment process; surface water ponds have been filled in by the developer to prevent a health and safety concern but raising the issue of an increased flood risk; the original 1994 decision to allocate in principle was not made with full knowledge of these contamination and flood risks; site not properly assessed, tested and decontaminated prior to construction and occupation; extant permission not realistic because it prevents a proper assessment of contamination risks, and; 1994 local plan requirement and subsequent Council commitments to provide / safeguard land for a foot/cycle path have not been implemented properly and the retained road width has been compromised rather than the adjoining housing layout to the detriment of road safety in the area.

Paul Bova (04154) - Objects because: of lack of direct neighbour notification at earlier Plan stages and on earlier development plans; disputes that development should be in accordance with extant planning permission; the site is not a natural infill site and is not close to facilities; Council pre-judged outcome of consultation by showing site as preferred in Main Issues Report; Council's development plan unduly influenced by submission of 07/00542/FULIN planning application; surface water drainage, flooding and groundwater issues have never been satisfactorily resolved, were not properly assessed and/or have been under-estimated in making all planning decisions on this site; building on the allocation will worsen flooding within a wider, connected catchment; of recent flood events in this part of Culloden; all these existing and potential problems should prevent this

allocation from being reaffirmed from previous development plans and are changed circumstances from the original 1994 decision to allocate the site; excessive density of development relative to known constraints; contrary to national and Highland planning policy in terms of sustainable flood management and flood avoidance; Plan SEA should have highlighted that the extent of flood risk should have rejected the site in principle; locality unsuitable for high density development because of high water table and numerous aquifers, and; known changes in circumstances since 1994 should have triggered a fundamental re-assessment of the principle of development here before the Main Issues Report was issued in 2012.

Also objects because: 1994 local plan referenced Council budget road improvement requirements which were not implemented at that time; the improvements have not been implemented properly to date and foot/cycleway provision has been made to the detriment of road width and safety rather than housing site capacity; the lack of suitable improvement to Caulfield Road North should have undermined the principle of development on the allocation because it was an essential pre-requisite; loss of residential amenity; previous plans did not specify a capacity for the site leaving the door open to an inappropriate high density proposal; capacity driven by profitability and costs of mitigating all the constraints of the site; emergency access connection to Caulfield Road North will increase non car use of that route causing detriment to road safety; this route has already seen a large increase in non car usage due to various recent developments in the Culloden area; 2007 housing land audit shouldn't have reflected 107 unit planning application 07/00542/FULIN, and; flaws in the processing and consideration of planning applications on the site since 2007.

Also objects because: of recent additional flooding problems where Tower Brae Burn runs adjacent to the North Eastern boundary of the Resaurie North site; Council was aware of major flood events on Tower Brae Burn in 2002 and 2006; Council shouldn't rely on SEPA mapping which doesn't include this burn to assess development sites; Council should have been aware of flooding from this type of burn in 1994; there is video evidence of flooding problems at the Resaurie site, and; development at Resaurie will increase the flooding in this burn via overland flows of surface water. [04154/IN75/1-2, Photographs of Site]

David Riach (04173) - Objects because: of overlooking into private rooms within adjoining property; loss of privacy; inadequate capacity of Caulfield Road North, and; of accident record at this location and likely increased threat to road safety. [04173/IN75/1-2, Photographs of Site]

Carol Christie (04096) - Objects because: planning permission referred to for allocation is flawed; reduced and therefore inadequate road width on Caulfield Road North which is and should be safeguarded as a sustainable transport connection; the principle of development of the site should have been reappraised (and rejected) in the period 2008-2010 as part of the Highland wide Local Development Plan review and during the current Plan process because of the strategic significance of the site illustrated by its proximity to a national cycle route that links to the proposed East Inverness active travel corridor including the new UHI Campus, and; a planning permission is not a good reason to reallocate a site if that permission does not adequately mitigate for that development's adverse impacts.

Also objects because: new development has not respected the local landform and therefore adverse visual impacts have occurred including skylining from public viewpoints

such as the national cycle route; the Plan should have rejected the site because of this potential adverse landscape impact in 2012; an extant planning permission should not be a positive factor in allocating land within a development plan; it is illogical and undemocratic to consult on an allocation which the Council has already decided should be given limited scrutiny through the Examination process, and; the planning application/permission was flawed in terms of process and detail and therefore the Plan reference to it is not competent.

IN76 Stratton Lodge

Macdonald Hotels Ltd (00985) - Seeks developer requirement amendments, housing capacity deletion and clarification of other requirements because: developer needs to know when development can happen relative to infrastructure improvements provided by others; the restoration/ redevelopment of the listed, former Stratton Lodge Hotel will be significantly delayed because of inaction by others which may lead to more vandalism and deterioration; Transport Scotland's investment in the area is unclear in nature and of an indefinite timescale; disputes that developer contributions should be payable for improvements some distance from Stratton Lodge, such as at the Inshes roundabout; the feasibility of restoring the listed building depends on a degree of enabling development within the grounds and if this is stymied by excessively onerous contributions then the listed building may never be restored; developable area uncertain because of flood, transport and woodland constraints and therefore capacity should not be prescribed and left to the results of feasibility work; viable development of this site may be dependent on improved road access through adjoining allocation and this adjoining development should be allowed as a first phase site, and; other developer requirements unjustified or unclear.

IN78 Land east of Smithton Free Church

William Calder (04483) - Seeks additional requirements because: concerned over access to and the functionality of the car park during and post development; car park is used to full capacity and the loss of parking bays will add to the congestion and double parking problem present within Murray Terrace currently potentially increasing the risk of damage to privately owned vehicles; storage of materials on site should not impact upon neighbouring properties; development should not worsen existing pluvial and fluvial flood risk caused by the limited soil porosity of the gloamy clay soil; of risk of dust and airborne materials during construction phase, and; of risk of contamination from building works.

Ken Maclennan (04484) - Objects because: the land is zoned for amenity use in the adopted local plan; problems with Tower Road access as it has high traffic volumes which is often speeding and road has poor vertical alignment and no right hand turn lane; access from Murray Terrace totally unacceptable; poor accident record in area; expansion of church has increased traffic and parking demand in area; of increase in airborne refuse; a play area will increase disturbance to neighbours; of risk of landslide and daylight loss from bulldozed made ground or trees at a higher level, and; of increased noise pollution.

IN79 Upper Cullernie Farm

Allan Robertson (04366) - Seeks more Plan detail because: extant capacity unclear and number has increased by subsequent planning applications; increased flood risk from more hard surfaces and more rapid run-off in wet weather; existing road drainage already inadequate; existing road surface causes winter traffic safety issues, and; need for traffic calming measures because of excessive traffic speed.

Also complains about previous local plan process when Reporter's recommendations ignored by Council and urges that same does not occur again because non adherence undermines credibility of whole process.

IN80 Inverness Campus, Beechwood

Turnberry Consulting (03150) - Requests extension of allocation because: Campus will already provide a large area of high quality, landscaped and maintained public open space, and; green notation land will be severed from the Campus by the East Link road and so to ensure better integration it should be masterplanned with the Campus to accommodate "complementary uses and activities."

SCDI (04485) - Supports Campus as an important hub for the city but also as a key location to meet the education and business needs of the wider region.

IN81 West of Castlehill Road

Dr Donald Boyd, Westhill Community Council (00324) - Objects to site IN81 because of loss of good agricultural land. Seeks additional developer requirements for IN89 to safeguard visual impact of development at key tourist gateway site.

Turnberry Consulting (03150) - Seeks mixed use allocation on greenspace because: it is in the same ownership as the Campus; its identification as greenspace is arbitrary and justified; this would make most efficient use of the land; adequate and high quality public open space will be delivered within the campus allocation, and; the site will need careful masterplanning once the route of the A9/A96 Trunk Link Road (TLR) is decided.

IN82 Ashton Farm and Adjoining Land

Catriona Johnson (01669) - Seeks no development reallocation because: Inverness' future economic prosperity depends on tourism and that depends upon high quality landscape and that includes a City with attractive greenspace; almost 2500 houses already have planning permission in the neighbouring Stratton Farm development; excessive development will outstrip service and infrastructure capacities; developers cannot afford to remedy all these deficiencies so capacities will be breached; mitigation lags behind completion of development; of increased flood risk from new development and loss of flood storage; brownfield sites must be developed first, and; Council should force developers to complete sites with permission first before looking at new development areas.

Scottish Prison Service (00662) - Seeks explicit reference to specific prison use class (8A) because: there is a requirement for a new Highland prison; Council supports its provision on larger mixed use allocations where a degree of site layout masterplanning and set-back can be achieved, along with good public transport and other connections where they exist or can be created, and; this is the appropriate use class for prisons as defined in the Town and Country Planning (Application of Subordinate Legislation to the Crown) Scotland Order 2006, which directs modification to the Town and Country Planning (Use Classes (Scotland) Order 1997 at Class 8 (residential institutions).

Fraser Hutcheson (00986) - Seeks early phasing of land and clearer/amended developer requirements because: the site is allocated but cannot be activated because of its uncertain dependency on the poorly defined actions of others notably Transport Scotland

in terms of East Link and the Council in terms of local road network additions/alternatives; and; developer requirements too onerous, depend on the action of others and are not justified.

The Seafield Farm Trust (04217) - Confirms its support as landowner for the site's allocation and hopes land can be activated in early course. [04217/IN82/1: Map of Seafield Farm Trust Ownership].

Dr Donald Boyd, Westhill Community Council (00324) - Firmer public park requirement because: the park should be established now; the commitment was included in the 2006 local plan so its provision is long overdue; the Council accepts that the best way to protect greenspace is to make positive use of it, and; it will be a good flood control measure.

Opposes further built development in the general east Inverness area because: green corridors through open farmland must be retained in East Inverness and not only adjacent to the A96 corridor developments; the planned park at Ashton Farm is insufficient; accessible greenspace is vital to a successful city that sells itself on the quality of the environment in the Highlands; permission already granted for 2,475 houses in the neighbouring Stratton Farm development; this is an established flood risk area; of the time lag in developer funded facilities happening; inadequate infrastructure capacity; speculative development should not be supported because another property market downturn could leave other communities without proper support facilities; contributions should be secured in a manner that minimises risk to the Council, and; excessive, exponential growth.

The Executory of Hector Munro (01311) - Supports Plan as written.

Lynne Bradshaw (04258) - Objects to current boundary because: loss of private views over the Firth and beyond; loss and urbanisation of rural hamlet character and identity; loss of residential amenity, and; loss of defensible natural boundaries of the hamlet which should be preserved via a green corridor set-back from the new development.

Andrew Bradshaw (04260) - Objects to development because: Resuarie is a community of its own with its own identity and shouldn't be allowed to coalesce with other settlements/neighbourhoods; inadequate capacity of Caulfield Road North which carries increased traffic with recent development and yet is also a key active travel route and cannot easily be improved; loss of residential amenity; loss of private view; loss of rural character, and; development speculative.

Turnberry Consulting (03150) - Requests separate allocation because: it should be allowed to come forward in isolation from other land at Ashton Farm provided it can be serviced; HIE have aspirations to bring forward development on this parcel of land in support of the Campus, potentially accommodating complementary business activities; HIE will have regard to likely transport corridors, and; of shortage of business land within Inverness.

Maria de la Torre, Lochardil and Drummond Community Council (04353) - Seeks more greenspace to retain rural character of the area.

IN84 Milton of Culloden

Macdonald Hotels Ltd (00985) - Seeks separate housing allocation and amended

developer requirements because: the land is in separate ownership to IN83 but the same ownership as IN76; earlier phasing is required if strategic transport improvements are delayed (which is likely because of a lack of Transport Scotland commitment and ownership constraints) and alternative local access improvements should be considered and progressed through a Council development brief; retention of listed building justifies earlier phasing, and; developer requirements too onerous, depend on the action of others and are not justified. [00985/IN84/1, Map of Land at Stratton Lodge].

IN85 West of Eastfield Way

Caspian UK (04110) - Supports allocation for business use because: of the need to protect the city centre; Inverness needs good quality available employment land kept for Class 4 and 5 uses and no other uses; it would complete the business park; Scottish Planning Policy (SPP) requires planning authorities to ensure that there is a range and choice of marketable sites and locations for business allocated in development plans; it is well serviced and is accessible by walking, cycling and public transport.

Inverness Estates (00944) - Seeks mixed use allocation because: land originally zoned for hotel complex in 1994 local plan; despite 17 years of marketing no viable business use has come forward; vacant site at such a prominent location creates an adverse impression; by contrast there is currently significant market interest on the part of restaurant and drive-through operators which could create economic benefit; evidence is supplied from independent surveyors demonstrating a lack of business demand, and; evidence is also supplied of the infrastructure benefits that could result from positive development of the site for the Beechwood Campus. [00944/IN85/1, Office Demand Review].

IN86 Land North East of Culloden Academy (relevant to Balloch Farm new site previously consulted on but not included)

Balloch Community Council (00492) - Supports allocation for Culloden Academy playing field only use as community of Balloch wishes these fields to remain as open greenspace.

IN87 Land North East of Culloden Academy

James Higgins (03950) - Supports allotments use for site because next nearest on the outskirts of Nairn and has a substantial waiting list, and; will help keep "green corridor" that separates Balloch and Culloden and preserves their individual identities.

Balloch Community Council (00492) - Believes a shop use is inappropriate area as the communities of Balloch and Culloden are already well provided with retail outlets. The field around the school and hall could be used to expand existing community facilities to meet the demand for a playpark, all weather sports surface or community garden.

M Cameron (04432) - Seeks reduction in allocation because: the land is well established public open space with amenity value and maintained as such; it provides an important buffer to a busy distributor road; that separation is given greater importance by the restricted depth (12m) of the rear gardens of the adjoining properties; underground trunk sewer passes through open space and this needs to be safeguarded including its maintenance area; very difficult to form a satisfactory standard road junction at this location so close to another junction; the land is physically and visually separate from the rest of the allocation; of loss of mature woodland or need for development set-back; of

loss of residential amenity; small spur of land not essential to balance of allocation; land is too prominent for built development and development likely to cause adverse visual impact, and; adequate community facilities elsewhere in locality and little new housing proposed that would justify the need for or viability of new facilities. [04432/IN87/1, Letter & Map of Underground Services] [04432/IN87/2, Map of Suggested Change to Boundary]

IN88 Easter Muckovie

Dr Donald Boyd, Westhill Community Council (00324) - Feels an amplified developer requirement is necessary because: current wording only addresses visibility; improving the road layout and reducing the speed limit would also improve road safety at the entrance; development was opposed by local community; business should be treated as a one off not set a precedent, and; of adverse visual impact of any further development along this key tourist route to Culloden Battlefield.

IN90 South of Inverness Retail and Business Park

Harry H Kelly (03993) - No objections because in line with extant development plan.

Iain Sime (04369) - Opposes retail use because: further expansion of the already considerable retail park east of Inverness will lead to further, reduced demand for retail facilities in Inverness town centre and further erosion of the vibrancy and sustainability of the retail sector in central Inverness.

F&C REIT Asset Management (04407) - Seeks amendment in order to protect and support the City Centre.

Modifications sought by those submitting representations:

General

SCDI (04485) - Clearer Plan reference to how East Link (A96 to A9 road connection) will be delivered.

Neil Hornsby Highlands & Islands Green Party (01923) - Amended developer requirements for: speedier implementation of Ashton district park; firmer, speedier commitment to relocate the bus station nearer to the rail station; deletion of references to West and East Links and replacement with active travel connections and Beechwood/Inverness Light-Rail Shuttle and Halt, and; deletion of all references to Energy from Waste facility provision.

New Sites Previously Consulted On

Neil Galloway of Macdonald Estates (01813) - New mixed use allocation on the land north west of Barn Church Road specifically allocated for residential development and associated uses in connection with the promoted community uses identified at Sites IN86 and IN87. Balance of land within Main Issues Report site MU31 and sites above all enclosed within City settlement development area. Combined allocations/areas to deliver 500 homes, community facilities, local shops and recreational space.

IN73 Easterfield Farm

Highlands Small Communities Housing Trust (04381) - Increased housing capacity of 40 homes.

Dr Donald Boyd, Westhill Community Council (00324) - None – comment of support.

IN74 Caulfield Road

Brian Boag (03982) - Add developer requirement that future dwellings must be compatible with existing - i.e. Bungalow houses. Enforcement of footpath retention requirement.

Irene Fox (03989) - Reduction of housing capacity to 3 houses.

Highlands Small Communities Housing Trust (04381) - Increased housing capacity of 12 homes.

Dr Donald Boyd, Westhill Community Council (00324) - Reduction in housing capacity (undefined).

John & Avril Thomson (04514) - Deletion of allocation (assumed).

IN75 Resaurie

Paul Bova (04154) - Deletion of allocation.

Sandy Robertson (04150) - Deletion of allocation.

David Riach (04173) - Deletion of allocation.

Carol Christie (04096) - Deletion of allocation and replacement with a cherished greenspace notation (assumed).

IN76 Stratton Lodge

Macdonald Hotels Ltd (00985) - Clarification of the extent of transport improvements required or cross reference to the HwLDP policy for the same site. Reference to the need for a Transport Assessment if proposals brought forward in advance of wider improvements to the network. Deletion of housing capacity figure. Clarification of how the adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar can be determined. Clarification of what a recreation access management plan is. Clarification of why mitigation works are required in connection with the Inverness–Nairn Coastal Trail for land allocations distant from it.

IN78 Land east of Smithton Free Church

Ken Maclennan (04484) - Deletion of allocation.

William Calder (04483) - Additional developer requirements to safeguard surface water drainage, car parking and construction effects.

IN79 Upper Cullernie Farm

Allan Robertson (04366) - Plan commitment that Council will adhere to Reporter's findings in respect of site.

Clarification of extant capacity and whether permission has been granted for all units proposed. A fuller specification of the junction improvements and the correction of the road name. A fuller specification of the flood risk assessment requirement. A more detailed map for the allocation.

IN80 Inverness Campus, Beechwood

Turnberry Consulting (03150) - Extension of mixed uses allocation boundary to enclose cherished greenspaces that border Cradlehall neighbourhood.

SCDI (04485) - None – comment of support.

IN81 West of Castlehill Road

Turnberry Consulting (03150) - Expansion of IN81 to enclose greenspace areas to west of allocation.

Dr Donald Boyd, Westhill Community Council (00324) - Deletion of allocation IN81. Additional developer requirements for IN89 to safeguard visual impact of development at key tourist gateway site.

IN82 Ashton Farm and Adjoining Land

Scottish Prison Service (00662) - Acceptable uses list should be modified and expanded to include reference to Use Class 8A Secure residential institutions.

Lynne Bradshaw (04258) - Deletion of allocation or if inevitable then drawing in of south-eastern boundary of allocation where it adjoins housing accessed from Cauldfield Road North to a depth of one or perhaps two fields and this area replaced with a cherished greenspace notation.

Maria de la Torre, Lochardil & Drummond Community Council (04353) - A reduced density, the creation of a green corridor along the burns and a larger area of retained farmland.

The Seafield Farm Trust (04217) - None – comment of support.

Dr Donald Boyd, Westhill Community Council (00324) - A specific developer/Council requirement to progress an immediate and specific action plan to create a District Park at Ashton Farm as part of the proposed Supplementary Guidance for the site.

Catriona Johnson (01669) - Reallocate for community use (large district park) only.

Andrew Bradshaw (04260) - Deletion of allocation or if inevitable then reduction in allocation boundary to end at least two fields' distance from the houses that currently exist in Reasurie. Additional developer requirement that no part of the site would be accessed from Cauldfield Road North.

Turnberry Consulting (03150) - Creation of a separate mixed use allocation for HIE's ownership within the current allocation.

The Executory of Hector Munro (01311) - None – comment of support.

Fraser Hutcheson (00986) - Clearer developer requirements in terms of: dependency of land's development on better defined transport improvements; clarified test of how any adverse effects on the integrity of the Inner Moray Firth SPA/Ramsar will be determined; clarified content of a recreation access management plan, and; justification for Inverness–Nairn Coastal Trail contribution.

IN84 Milton of Culloden

Macdonald Hotels Ltd (00985) - Separate out separately owned site and allocate for housing or merge landholding with housing allocation IN76. This new or merged allocation to have the following developer requirements: master plan/development brief; clarified transport improvements and need for a Transport Assessment if proposals brought forward in advance of wider improvements to the network; clarified test of how any adverse effects on the integrity of the Inner Moray Firth SPA/Ramsar will be determined; clarified content of a recreation access management plan; justification for Inverness–Nairn Coastal Trail contribution.

IN85 West of Eastfield Way

Caspian UK (04110) - None – comment of support.

Inverness Estates (00944) - Amendment to mixed-use commercial allocation with acceptable uses listed as business, commercial leisure, restaurants, drive-through restaurants and ancillary commercial activities but not Class 1 retail.

IN86 Land North East of Culloden Academy

Balloch Community Council (00492) - None – comment of support.

IN87 Land North East of Culloden Academy

M Cameron (04432) - Draw in allocation boundary to omit land between the properties 2-8 Moray Park and Barn Church Road and possible replacement with greenspace or grey existing uses notation.

James Higgins (03950) - None – comment of support.

Balloch Community Council (00492) - Delete the suggested use of “neighbourhood shop.” Extend the allocation to the north east to also enclose the field around the Balloch Primary School and Hall.

IN88 Easter Muckovie

Dr Donald Boyd, Westhill Community Council (00324) - Amplified developer requirement to improve the safety of the site's road junction including extending the speed limit.

IN90 South of Inverness Retail and Business Park

Harry H Kelly (03993) - None – comment of support.

Iain Sime (04369) - Allocation for a different use other than retail (undefined).

F&C REIT Asset Management (04407) - Additional developer requirement to state: “Any retail development at this location will be restricted to bulky goods retail floorspace in order to protect and support the City Centre.”

Summary of responses (including reasons) by planning authority:

General

The support for public park provision at Ashton is welcomed but it should be recognised that its delivery will be dependent upon landowner co-operation. Inverness bus station has recently undergone significant investment and bus operators are not supportive of radical change. The walking route connection between bus and rail stations has been improved in terms of signage and safety and a more practicable interim measure would be to create a new bus lay-by and stop within the rear of TK-Max car park. The Council’s approved City Centre Development Brief highlights this opportunity. Inverness West Link has a planning permission and a Council capital programme commitment. East Link is a Transport Scotland scheme and an announcement is due in May 2014 to clarify its future[THC/IN East General/1, A9/A96 Connections Study, All]. The Plan’s Examination process will need to take account of its evolution. The Plan and its related guidance includes many active travel improvements including the proposed active travel corridor through East Inverness utilising the new “golden” bridge crossing of the A9. Light rail suburban commuter services have been considered for the City but not taken forward because of their poor cost benefit ratios compared to transport alternatives. The rail companies believe suburban rail stops slow journey times and therefore undermine the relative attractiveness of a rail as opposed to a car journey for longer distance commuters (for example from Tain, Kingussie and Nairn into Inverness). The Council supports extension of City bus routes as a cheaper non car alternative. If East Link is progressed simply as a scheme to enhance trunk road network capacity then the Council will need to consider, with prospective developers, local road network improvements that will enhance capacity. Accordingly, the Council believes the Plan should be retained without modification.

New Sites Previously Consulted On

There is no quantitative housing requirement for an additional housing allocation of this scale in any part of the City or Plan area as a whole. Better allocated alternatives already Exist, some of which also benefit from planning permission, within the Culloden urban district. Expressed concerns at Main Issues Report about loss of landscape character, badger impacts, loss of greenspace, loss of good farmland, coalescence of communities, school capacity pressures, flood risk and scheduled monument impact, all, also suggest the site should not be included. The land is also affected by Transport Scotland’s A96 dualling route corridors. There is no backlog of pent up housing demand that justifies a further increase in the Council’s already generous housing land supply. There is also no exceptional justification for favouring this site ahead of allocated alternatives as it is no more effective than alternatives, no better related to facilities and infrastructure and no

less affected by environmental and other constraints. The offer of public open space and land for expansion of Culloden Academy is welcomed but not a sufficient justification for the creation of a new City neighbourhood. Accordingly, the Council believes the Plan should be retained without modification.

IN73 Easterfield Farm

The site adjoins low density existing development close to the fringe of the City. The stated capacity is already in excess of that adjoining and to allow an increase would not be appropriate to the site's location and constraints. Accordingly, the Council believes the Plan should be retained without modification.

IN74 Caulfield Road

The site is identified as an amenity area in the adopted 2006 Inverness Local Plan but has been considered as a suitable infill site through the Plan process because it does not function as useable public open space (albeit an informal short cut path runs through it). Mature woodland lies adjacent and this should curtail its development capacity in terms of falling distance set-back. Adjoining development is of a typical suburban density. Any development is required to retain the path link (albeit it could be diverted slightly). The land does not have particular nature conservation value. Accordingly, the Council believes the Plan should be retained without modification.

IN75 Resaurie

The site benefits from a largely implemented and extant planning permission, the validity of which has been tested through judicial review to the Court of Session. The Court found in favour of the Council and ruled [THC/IN75/1, Resaurie Site Court of Session Judgement, All] that the permission was valid. The objectors' ongoing concerns about the site's: flood risk (pluvial, groundwater and fluvial); contamination; overdevelopment; inadequate local road capacity; adverse visual and landscape impact; overlooking; loss of privacy, and; disrespect for the local landform: are noted but were assessed during the development management process and tested through court proceedings. Direct neighbour notification is not required at earlier plan stages. The site was not reappraised in the period 2008-2010 as part of the Highland wide Local Development Plan review because it was not of strategic significance. Accordingly, the Council believes the Plan should be retained without modification or, if the Reporters are so minded, it could be deleted given that it is largely complete and is no longer relevant to the identified housing land supply or wider Plan strategy.

IN76 Stratton Lodge

The site benefits from longstanding development plan allocations but has not been developed because of access, marketability, woodland and built heritage constraints. Given these constraints it would be inappropriate to be too flexible in housing capacity terms. The timing of East Link is dependent on Transport Scotland who are promoting the scheme. The Council is mindful that the scheme will require local road network connections and improvements but cannot progress these, in conjunction with adjoining landowners and developers, until East Link itself is clarified in terms of its design and timing. Thankfully, Transport Scotland is due to announce further information in May 2014 and therefore the Plan Examination process will be able to consider the implications of this new information. It is unreasonable for the owner to blame others for the management of

its own property. The Council's statutorily adopted supplementary guidance on developer contributions allows for reduction in contributions if the developer can demonstrate abnormal development costs. The phasing of development parcels will be governed largely by the phasing of related road improvements, the availability of other supporting infrastructure, and the attitude of landowners to land release. The Plan does and should not prescribe a particular order of development until there is more certainty on road lines and timing. Scottish Natural Heritage asked for the other access and environmental impact developer requirements and the Council believes they are self-explanatory. Accordingly, the Council believes the Plan should be retained without modification.

IN78 Land east of Smithton Free Church

A planning application for 23 houses/flats is pending on the site [THC/IN78/1, Pending Planning Application Layout]. The wider site is shown as an amenity area within the 2006 Adopted Inverness Local Plan but has been part developed as an extended church car park and does not provide useable public open space and does not have any significant nature conservation value. Neighbours concerns could, if the Reporters see fit, be ameliorated by additional developer requirements to: clarify that road access will not be taken from Murray Terrace; ensure adequate on-site parking provision (although this is already required by pan Highland standards); require a flood risk assessment; require a Construction Environmental Management Plan; ensure adequate visibility for any junction onto Tower Road. Other concerns are exaggerated and do not require a response particularly the fear of overlooking and loss of daylight from development on land that is lower and to the north and east of the complainant's property.

IN79 Upper Cullernie Farm

There are a total of 12 housing units to be built within the site all of which have planning permission and 7 of which are prepared for construction. The site is cul-de-sac development accessed off another cul-de-sac and therefore is a naturally traffic calmed area. Concerns about maintenance of the surfaces and drainage of local roads is an important operational matter for the Council but not one that requires a Plan reference. Similarly complaints about the previous local plan process are not relevant in that now Examination Report findings are far more binding on the Council. Accordingly, the Council believes the Plan should be retained without modification.

IN80 Inverness Campus, Beechwood

The landowner's desire to expand the development allocation to its ownership boundary is not acceptable because: the land may be required for Transport Scotland's East Link proposal (and/or local road improvements) and a development set-back from these road improvements; the greenspace is important to the setting of the Culloden district and Cradlehall neighbourhood and its separation from the City and major transport corridors; "complementary uses and activities" suggests the landowner is seeking a development value from the land and is not promoting the land for outdoor sports provision and transport corridor safeguard as was originally envisaged, and; the land is allocated as safeguarded open space within the Adopted 2012 Highland wide Local Development Plan and there has been no material change in circumstances to justify a change from this recently adopted plan position.

IN81 West of Castlehill Road

The allocation is rolled forward from the Adopted 2012 Highland wide Local Development Plan (HwLDP) and there has been no material change in circumstances to justify a change from this recently adopted plan position. Development on good agricultural land is permissible if part of the Plan's strategy. Site IN89 already contains a developer requirement to address the issue of tourist route prominence. Accordingly, the Council believes the Plan should be retained without modification.

IN82 Ashton Farm and Adjoining Land

Ashton Farm and surrounding land is strategically located, central to the eastern part of the City. It is also central to transport and flooding solutions for this part of the City and is earmarked for longer term development within the approved HwLDP. Although there is a particular landownership restriction this should not preclude transport improvements and then early phases of development. More landowners have indicated their willingness to release land for development than was the case during the HwLDP process and transport improvements are slightly further advanced. Accordingly, the Council believes that at least part of the allocation could be activated within the medium term. Eventually, it will be impracticable to continue to farm an isolated island of land when the rest of the eastern part of the city is developed. However, the Council accepts that transport, flooding and public open space safeguards should come first and shape land "left over" for development. A district park could incorporating allotments, sports pitch provision and encompassing pond and watercourse measures that provide mitigation for flooding issues within the wider catchments of these watercourses. The Plan commits the Council to prepare a Framework Plan to articulate the local detail of these ideas, other land use arrangements and local transport solutions. The Council's resources are not sufficient to fund the pre-emptive acquisition laying out and future maintenance of large swathes of public open space. Instead, successful delivery of district parks and alike requires co-operation between the private sector, the Council and local community bodies that can better access other sources of funding. Application of the Council's pan Highland developer contributions guidance through the development management process will secure the necessary phasing and other infrastructure improvements requested by objectors on this and other adjoining sites. It is impracticable to enforce developer funded provision of all infrastructure on day 1 of a large development. It is normal practice to defer provision until a certain threshold is reached. For example a school site is already secured by legal agreement within site IN83 but its provision will depend upon the rate of development and existing school roll breach projections. An explicit reference to specific prison use class (8A) would be inappropriate because the prison service are now directing their efforts at the Longman Landfill site and the landowner affected with IN82 is known to be opposed to prison use. The timing of East Link is dependent on Transport Scotland who are promoting the scheme. The Council is mindful that the scheme will require local road network connections and improvements but cannot progress these, in conjunction with adjoining landowners and developers, until East Link itself is clarified in terms of its design and timing. Thankfully, Transport Scotland is due to announce further information in May 2014 and therefore the Plan Examination process will be able to consider the implications of this new information. The Framework Plan will address suitable set-backs from adjoining neighbourhoods but the Council agrees with this principle of separation which is perhaps best achieved by masterplanned green corridors which are useable by people and wildlife rather than isolated agricultural fields. As objectors state, the site has allocated alternatives which are less constrained particularly in terms of dependency on strategic road improvements. Therefore it would not be prudent to allow piecemeal early

phases of development without commitment to a masterplan and these improvements. Accordingly, the Council believes the allocation should be retained without modification.

IN84 Milton of Culloden

The allocation is rolled forward from the Adopted 2012 Highland wide Local Development Plan (HwLDP) and there has been no material change in circumstances to justify a change from this recently adopted plan position. As with other sites in East Inverness it is dependent on the timing of Transport Scotland's East Link scheme (and decisions on A96 dualling) and other local road improvements connected to it. The Council and developers cannot progress local road network improvements in isolation. Thankfully, Transport Scotland is due to announce further information on East Link in May 2014 and an A96 route decision by the end of 2014 so therefore the Plan Examination process will be able to consider the implications of this new information. See also IN76 above. Accordingly, the Council believes the allocation should be retained without modification.

IN85 West of Eastfield Way

The support for the site's retention is noted and welcomed. Contrary use proposals have been tested and rejected at two recent appeals [THC/IN85/1, DPEA Appeal Decision Notice for Case PPA-270-2068, All] [THC/IN85/2: DPEA Appeal Decision Notice for Case PPA-270-2094, All]. The Scottish Government's planning policy is evolving but is only likely to bolster support for city and town centres in terms of restricting competition from developments outwith these centres. Accordingly, the Council believes the allocation should be retained without modification.

IN86 Land North East of Culloden Academy

The Council notes and agrees with this position. See also General section above. Accordingly, the Council believes the allocation should be retained without modification.

IN87 Land North East of Culloden Academy

Withdrawal of the narrow, southern section of the site would be appropriate as it is unsuitable for development due to its mature, broadleaf woodland cover and roadside verge character. The Council would be content if the Reporters were minded to recommend such a change. Expressed support for the Plan's reference to allotments is noted and welcomed. Balloch is poorly served by neighbourhood commercial facilities and such provision would reduce car borne trips to more distant facilities. However, it will be for the private sector to promote such a facility if there is sufficient market demand. The other listed community uses would all be acceptable under the terms of the Plan's policy.

IN88 Easter Muckovie

The Plan wording lists only the principal requirement from the planning permission. The Plan does not promote any other development sites between the site and the Culloden Battlefield. Accordingly, the Council believes the allocation should be retained without modification.

IN90 South of Inverness Retail and Business Park

The allocation is rolled forward from the Adopted 2012 Highland wide Local Development

Plan (HwLDP) and there has been no material change in circumstances to justify a change from this recently adopted plan position. The Plan restricts the site to bulky goods only which is not a use that is vital to the vibrancy of a city or town centre. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. The Green Party raises a number of issues with regard to the development proposals in East Inverness. The importance of maintaining green corridors in this area is reflected at paragraph 4.17 of the proposed plan, which refers to corridors of publicly accessible greenspace centred on the burns that flow from Culloden's southern slopes. The requirements for site IN82 also identify green parkland corridors as a matter to be addressed in the masterplan/ development brief for this site. The requirements for sites IN83 and IN84 similarly refer to the green network. I therefore conclude that this matter is adequately covered in the plan and no modification is required.
2. Regarding the East Link, this is a potential Transport Scotland scheme that is not being progressed primarily through the local development plan. In response to a further information request, Transport Scotland confirmed that a preferred route would be announced in 2015. Transport Scotland has already consulted the public on route options, and the preferred route will be progressed and consulted on further through a separate process from the local development plan. It is not therefore the role of this examination to consider the in-principle case for or against this road. However given the potential significance of this scheme to the development of East Inverness and the wider region, I consider it would be remiss if the plan did not refer to it. I therefore conclude that no modification is required. The West Link is discussed under Issue 12 South Inverness.
3. I consider that the Scottish Council for Development and Industry's call for more clarity on the A9/A96 link road (East Link) should have been met by Transport Scotland's consultation on route options in 2014.
4. Regarding the potential for a rail halt at Beechwood, tied to park and ride, the council explains above its reasons for not taking this forward. In the absence of any detailed arguments in favour of including such a significant proposal in the plan, I conclude that no modification is required.

Balloch Farm

5. Macdonald Estates proposes the allocation of land at Balloch Farm, east of Culloden for a mixed use development including 500 houses, community facilities and open space. The land proposed for built development currently comprises flat arable land bounded to the south-west by the urban area of Culloden, to the south-east by Barn Church Road with the village of Balloch beyond, and to the north-west and north-east by visually weak field boundaries and further agricultural land.
6. Under issue 2 I considered the overall housing land supply and concluded that in terms of the plan area as a whole, sufficient housing land has been made available in the proposed plan to meet requirements to 2025. A table supplied by the council in response to a further information request indicated that something of an over-supply existed in the

Inverness Housing Market Area (though to some extent this was required to balance deficits in some other market areas). I therefore conclude that there is no strategic requirement to allocate additional land, at Balloch Farm or elsewhere in the Inverness Housing Market Area, for housing development.

7. I have no reason to doubt the representee's assertion that the site is capable of development. The opportunity to release additional land for the use of Culloden Academy might well be a valuable planning gain. However the site also has a number of disadvantages as a development site. It would be a visually prominent extension of the built-up area into open countryside without any strong landscape features to provide a defensible new urban edge. It would involve the loss of apparently good farmland. It is further from Inverness than the major allocated sites in East Inverness and would hence give rise to longer travel distances. While the representee's illustrative masterplan includes an open space buffer between the proposed development and Balloch, I consider a greater sense of coalescence would result from Culloden effectively being extended to wrap round the north-western side of Balloch. The northern part of the site would also potentially be affected by two of Transport Scotland's route options for the dualling of the A96.

8. The representee asserts that this land is less constrained than other sites in East Inverness, but offers little evidence to support this. It is not clear to me that this site is any less constrained, particularly as regards the potential need for road and public transport improvements to cater for traffic movements between the site and Inverness.

9. Because of these apparent disadvantages and the absence of strategic need for the development I therefore conclude that the site should not be identified as an allocation in the plan.

IN73 Easterfield Farm

10. The only adverse comment relating to this site concerns its indicative capacity, which the representee wishes to be raised. The site is in an urban fringe location characterised by low density suburban development, individual properties in their own grounds and open agricultural land. In such a location, high density development would appear strongly out of character, and I therefore conclude that the medium density of around 20 dwellings per hectare included in the plan is appropriate. I also note that paragraph 2.12 of the plan states that a different capacity than that specified may be acceptable subject to detailed design. No modification is required.

IN74 Caulfield Road

11. This is a rough area of grassland situated within the urban area but between an area of amenity open space and woodland alongside the Scretan Burn. It therefore has an existing value in maintaining a green link between these areas. Informal footpaths within the site indicate some public recreational use. There are no other buildings on the northern side of this section of Caulfield Road, and so any development here would appear somewhat sporadic.

12. However it appears that planning permission (now lapsed) has been granted for housing development in the past, and representations are largely concerned with the capacity of the site rather than the principle of development. The council appears to have applied its medium density typology (as described in its Housing Land Requirement

Background Paper) to this site, given its suburban location. However I tend to agree with the representees that the particular constraints applying to this site (its awkward shape, need for woodland set back and footpath retention) indicate that the low density typology of 10 units per hectare should be applied instead. This would produce an indicative capacity of 4, and I recommend that this figure is included in the plan. In reaching this conclusion I note that paragraph 2.12 of the plan states that a different capacity than that specified may be acceptable subject to detailed design.

13. The need to retain footpath links is already referenced in the requirements for this site. Suitable design should be secured through the application of the general design policies of the Highland-wide Local Development Plan.

IN75 Resaurie

14. This land was allocated for housing in the adopted Inverness Local Plan, and has subsequently been the subject of an approved planning permission which has now been largely implemented. I note the concerns expressed by representees regarding a range of matters including flooding, effectiveness, the need for the development, the site's role as part of a green wedge, loss of residential amenity, contamination (including from lead in groundwater), pond management, footpath provision and access. However, regardless of the merits or otherwise of this site, its development has now been duly permitted and is a fact on the ground. I therefore conclude that the site should remain identified for development in the plan.

15. The council suggests the allocation could possibly be deleted given that the development is nearly complete, but as it is not clear to me that all plots have now been built upon, I prefer to leave the allocation in the plan for the time being.

IN76 Stratton Lodge

16. This site comprises a derelict listed building formerly used as a hotel, and its landscaped grounds. The landowner is concerned about the development of the site, including the potential restoration of the listed building, being required to be delayed until major road improvements in the wider area are in place.

17. I have some sympathy that the character of IN76 is materially different from the much larger East Inverness allocations of IN82, IN83 and IN84. IN76 is a small enclosed site, with a limited capacity, whose suitability for development appears to be based more on particular site specific considerations, rather than on its geographical location in the East Inverness growth corridor. In particular I also consider there to be a legitimate urgency to secure a viable redevelopment scheme quickly in order to restore, or at least protect, the fabric of the derelict listed building. It does not appear reasonable to delay the development of this small stand-alone site to await the completion of major transport improvements that are required for other much larger and generally unrelated allocations in the area.

18. The phasing requirements that are of concern to the representee are included in the adopted Highland-wide Local Development Plan, and form no part of the requirements for this site as set out in the proposed Inner Moray Firth Plan. The content of the Highland-wide plan is beyond the scope of this examination. However, given the particular circumstances that apply to this site, I consider that it would be appropriate to clarify in the Inner Moray Firth plan that development can proceed in advance of the road

improvements associated with the development of the wider Stratton area. I recommend a suitable form of words below.

19. Regarding the site capacity, the representee acknowledges that this is uncertain. It is clear from paragraph 2.12 of the plan that the stated capacities are intended to be indicative. Capacities are stated for every other housing allocation in the plan, so it would introduce an inconsistency not to state a capacity for this site. It appears that the council has arrived at the indicative capacity by applying its low density typology as explained in its Housing Land Requirement Background Paper. Given the constraints associated with the site, this appears reasonable. I also note that paragraph 2.12 of the plan states that a different capacity than that specified may be acceptable subject to detailed design. I therefore conclude that no modification to the site capacity is required.

20. The requirement for a recreation access management plan including the reference to the Inverness-Nairn coastal trail appears to be a standard requirement applying to all the sites in the Stratton/ East Inverness growth area (IN76, IN82, IN83 and IN84). However as I noted above, site IN76 is materially different from these other much larger allocations due to its much smaller scale, the character of the site, the justification for its release, and its possible earlier development. I therefore consider that it is not reasonable to tie its development to the preparation of a recreation management plan for the wider East Inverness area, or to works connected to the Inverness-Nairn Coastal Trail which would be largely unrelated to the development. I therefore recommend that these requirements be deleted.

IN78 Land east of Smithton Free Church

21. This site comprises a triangular area of rising open land currently covered in gorse and rough grassland. Beyond its openness it does not have any particular amenity value and did not appear from my site inspection to be in any recreational use. The site is well contained by Tower Road to the east and existing urban development to the west. It appears to be possible to create a suitable access to Tower Road, and the site appears capable of development in other respects. I am therefore satisfied with the principle of a housing allocation on this site.

22. The lower northern part of the site is currently in use as the upper part of a car park associated with the neighbouring church. It appears from the planning application drawing submitted by the council that the intention is also to develop this area. The concerns of neighbours that development may displace church parking onto residential streets may therefore have some validity. I cannot fully assess this matter with the information before me, so instead recommend including a requirement for an assessment of the parking implications of development.

23. Regarding other concerns raised in representations, including those regarding surface water drainage, the protection of residential amenity and disturbance and pollution during construction, these are matters which can be adequately addressed at the development management stage.

IN79 Upper Cullernie Farm

24. A number of concerns are raised, including relating to drainage and traffic calming. However the development appears to be complete, and therefore modifications to the site requirements would serve no purpose. The allocation could therefore theoretically be

removed from the plan, but there is no representation seeking this. I therefore conclude that the allocation should remain in the plan unmodified.

IN80 Inverness Campus, Beechwood

25. Highlands and Islands Enterprise seek the inclusion of areas of allocated open space to the east of IN81 within this mixed use allocation. I am not wholly convinced by the council's justification for separately identifying these areas of open space. Firstly these areas do not accurately reflect any route option for the East Link road scheme, and similar open space safeguards for this scheme have not been identified within site IN82 or other allocations. Secondly, open space separation safeguards have not been deemed necessary between sites IN82, IN83 and IN84 and existing residential areas, so it appears inconsistent to require these around site IN80. And thirdly I presume that sites IN82, IN83 and IN84 will all include significant areas of open space in the interests of good placemaking, but these have not been separately identified in the proposed plan.

26. However I do note that these open space safeguards were specifically identified in the adopted Highland-wide Local Plan. At paragraphs 16 to 18 of Issue 9 I concluded that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. No changes in circumstance relating to these allocations have been brought to my attention.

27. It is also the case that the IN80 site is at a more advanced state of planning than other allocations to the north-east. Planning permissions have been granted and development is underway. This may go some way towards justifying the more specific approach of identifying more precise areas of open space around site IN80. For these reasons I conclude that no modification should be made to the proposed plan.

28. Westhill Community Council call for an additional access to be identified for site IN80 and for a rail halt at Beechwood to be provided for. This representation is not included in the planning authority's summary above. Regarding access, this site now has planning permission, so while additional access points could possibly be provided in the future, it is unlikely these can now be required as part of the development. I discuss the Beechwood rail halt proposal above.

IN81 West of Castlehill Road

29. Similar considerations apply to this site, and its adjoining open space allocation, as to site IN80 above. In the same way, there is some inconsistency in the way specific open space allocations have been separately made here whereas this has not been the approach for the other mixed use allocations in East Inverness.

30. However both the mixed use and open space allocations were clearly included in the Highland-wide Local Development Plan. At paragraphs 16 to 18 of Issue 9 I concluded that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. No changes in circumstance relating to these allocations have been brought to my attention. I therefore conclude that no modifications to these allocations are required.

IN82 Ashton Farm and Adjoining Land

31. This large area of flat agricultural land was identified for mixed use, residential and

business/industrial development in the adopted Highland-wide Local Development Plan. Indeed a major purpose of that plan appears to have been to establish the principle of this and other developments in East Inverness. At paragraphs 16 to 18 of Issue 9 I concluded, with specific reference to the Ashton Farm site, that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. No such significant changes have been brought to my attention. I therefore regard the principle of site IN82 as being established and decline to delete the allocation.

32. Regarding the suggestion that the site should be developed for non-housing uses, it is the case that most of this land is not identified specifically for housing in the Highland-wide plan. The majority of the site is merely labelled for long term development, while the area adjoining Beechwood Campus is allocated for business/industry. Only an area south of Cradlehall is identified for housing. However I consider it is unrealistic to expect such a large development area not to include a significant proportion of housing because this is the major urban land use, and the demand would not exist to develop the entirety of this site for retail, business and industrial uses. This is clearly a long term development that is expected to provide residential development opportunities after other sites in Inverness have been completed. I therefore consider the range of uses identified in the proposed plan to be appropriate.

33. There is a particular suggestion that this could be an appropriate site for a replacement prison in Inverness. In response to a further information request, the Scottish Prison Service indicated that it was no longer pursuing the possibility of developing in the former Longman Landfill site. This must make it more likely that Ashton Farm will ultimately prove to be its favoured location. However a number of other possible sites are also under consideration. There is therefore no certainty that Ashton Farm will ultimately be the favoured location. I am also conscious that the possibility of a prison at Ashton Farm has not been the subject of consultation through the development plan process to date, and yet is a matter on which the public and other interested parties might well be expected to have opinions.

34. For these reasons, although it would have been preferable for the identification of a site for a significant development like a new prison to emerge through the development plan process, I conclude that it would not be appropriate to include this use among the potential uses for site IN82 at this stage in the preparation of the plan. Any future proposals for a prison on this or another site in the Inverness area can be pursued as a departure from the development plan.

35. Regarding density, this is a matter that can be explored more fully in the council's forthcoming masterplan/ development brief. However the housing capacity given in the proposed plan would allow for housing to be built across approximately two thirds of the site at a suburban density of around 20 dwellings per hectare. This appears reasonable and indicates to me that the housing capacity given for the site is not excessive.

36. Highlands and Islands Enterprise seeks a separate allocation for the land in their ownership to enable them to take forward development in isolation from the remainder of the site. However it is clear that development in different parts of IN82 will require a co-ordinated approach to the provision of common infrastructure such as new roads and greenspace. I agree with the council that it is most sensible to consider these matters in the round through the preparation of a masterplan for the entire area. This approach is facilitated by including the area as a single allocation. Individual ownership boundaries

may not prove to be the most sensible geographies for considering these wider planning issues.

37. Representees seek greater clarity over what transport improvements are required to allow development to proceed, and in particular whether development is dependent on the completion of the East Link road scheme. It appears that robust and sufficient information on these matters does not yet exist to include in the plan. Certainly Transport Scotland are yet to arrive at a final view as to the route for the 'East Link', and this must in turn have effects for access arrangements to and within the IN82 site. While it may be that the plan would ideally have been more specific on these matters, this is therefore a matter that will need to be covered in more detail in the forthcoming masterplan/development brief. This can include the possible unsuitability of Caulfield Road North for access to the site.

38. Regarding developer contributions, detailed provisions are set out in the council's supplementary guidance on this topic. Site specific requirements can be included in the masterplan/ development brief for this site. I agree that important considerations for the council will be to ensure that contributions are gathered in such a way as to ensure that necessary infrastructure is provided in step with the development which it is required to serve. However I consider that the detail of these matters is most appropriately addressed in supplementary guidance.

39. Regarding the provisions in the requirements for this site relating to the Inner Moray Firth SPA/Ramsar, these are listed among the matters that will be addressed by the council in the masterplan/ development brief. Therefore it will be for the council, at least in the first instance, to determine how any adverse effects can be avoided. The council will be aware of the advice and guidance from the Scottish Government and Scottish Natural Heritage regarding how to carry out such assessments.

40. A recommendation to include a definition for the term 'recreation access management plan' is made elsewhere in this report. The council may also have detailed expectations which I would not expect to necessarily be set out in the local development plan. I can appreciate how the introduction of the volume of development into East Inverness envisaged by the plan could, combined, have an effect on the Inverness- Nairn Coastal Trail.

41. The proposed plan already refers to green parkland corridors following the principal watercourses. Green 'buffers' between new development and existing communities may not necessarily be the best design solution for the site, but this can be considered through the preparation of the masterplan/ development brief. The retention of active farming within the site appears unlikely however, given the levels of development that are identified and the distance to other agricultural land once other allocations in the East Inverness area have been developed.

IN84 Milton of Culloden

42. This is another significant allocation of agricultural land for mixed use development in East Inverness. As such, there is an inconsistency with sites IN82 and IN83 in that there is no reference to a masterplan/development brief among the requirements for this site. Given the scale of the site, and in order to be consistent with the approach taken elsewhere in the plan area, I consider that such a reference should be included. Given that the site appears to be in multiple ownership, I believe it would be most sensible if the

council were to prepare this masterplan/development brief. In a similar way to site IN82, the plan can then specify that the masterplan/development brief will address the various matters listed currently in the proposed plan as requirements for this site.

43. I have considered site IN76 Stratton Lodge above, where I concluded that it had the characteristics of a stand-alone development that should not be closely tied to the larger greenfield allocations around it. The representee has put forward no financial or other evidence to demonstrate that the early development of IN84 is necessary to secure the restoration of the Stratton Lodge listed building.

44. The East Link road scheme is discussed elsewhere in this report. This is a Transport Scotland scheme that is not primarily being progressed through the local development plan. The currently unclear relationship between development and the need for and timing of various road improvements is discussed above under site IN82. Similar considerations apply at IN84. Given the current absence of robust and sufficient information on this matter, this will need to be covered in more detail in the masterplan/development brief that my recommended modification will require.

45. It is most desirable that the development of the greenfield land in this eastern part of the East Inverness expansion area is considered in the round, in order that cumulative impacts can be properly taken into account and a comprehensive masterplan developed. I do not therefore support dividing this allocation along land ownership lines as this would tend to act against such a joined-up and comprehensive approach.

46. Regarding the provisions in the requirements for this site relating to the Inner Moray Firth SPA/ Ramsar, the recreation access management plan and the Inverness- Nairn Coastal Trail, similar considerations apply as for site IN82 above. These are matters firstly for the council to consider, in consultation with the landowners, as part of the process of preparing the masterplan/development brief.

IN85 West of Eastfield Way

47. This area of rough grassland and temporary parking is located in a prominent position at the entrance to the West Seafield Retail Park. The Park is identified in the proposed plan as a district centre, but its boundary wraps around and does not include this site. Comprehensive evidence, which has not been challenged by the council, has been submitted to indicate strongly that demand exists from restaurant operators to develop in this area, and that there is limited demand for office development here. While not particularly unsightly in its present condition, a well-designed development could undoubtedly improve the attractiveness of the entrance to the park and create a better sense of arrival.

48. Paragraph 60 of Scottish Planning Policy calls on the planning system to apply a town centre first policy towards uses which attract many people such as commercial leisure. Paragraph 68 sets out that uses that generate significant footfall such as commercial leisure uses (and I assume restaurants) should preferably be located in or on the edge of town centres before commercial centres should be considered. (I am prepared to accept that if this site were deemed acceptable for commercial leisure/restaurant use, then it would be sensible to include it within the district centre).

49. No evidence has been submitted to demonstrate that demand for commercial leisure/restaurant uses cannot be met in the city centre. Policy 1 of the proposed plan

also refers to protecting the vitality and viability of the city centre (and town and district centres). Again, no evidence has been submitted to demonstrate that the city centre will not be adversely affected by commercial leisure/ restaurant development on this site.

50. The council refers to recent appeal decisions, and it is the case that the planning system should act in a consistent manner. However I also note that significant factors in these appeal decisions were a lack of information, and that the principle of commercial leisure/ restaurant development on this site should be determined through the local development plan process.

51. In conclusion, there is a need to balance the benefit of achieving some early development on this unused and prominent site against the possibility of harm to Inverness city centre. While I am prepared to accept that it may be difficult to secure business development on the site, at least in the short term, I am not prepared to sanction commercial leisure or large restaurant developments here in the absence of evidence on the potential effect on the city centre. It may be that there are other uses for which there is a stronger demand but which would not compete with the city centre. However no party has suggested these, and in these circumstances I conclude that the proposed allocation should remain unchanged for the time being.

IN87 Land North-East of Culloden Academy

52. The majority of this allocation consists of an arable field that currently has an important role in separating the communities of Culloden and Balloch. The western part of the site has a different character, being partly wooded, and partly a small area of open space at the corner of Moray Park Avenue and Barn Church Road. The council accept that this western area is unsuitable for development for the uses proposed, and I agree. I therefore recommend that this area is removed from the allocation.

53. The community council argue that the field north-east of site IN87 should be included within the proposed allocation. Because this area adjoins the existing primary school, hall and playing field, I agree that this piece of land would in many ways be better suited for the development of the desired community uses than the allocated site. It is also closer to the main housing area of Balloch and would not encroach upon the important open gap between Balloch and Culloden.

54. However the allocated site is currently much less prominent from Barn Church Road than the land to the north east, due to the presence of a bank and mature hedge. On balance I am therefore content for the existing allocation to remain in place and not be extended to the north-east. In reaching this conclusion I am mindful that the field to the north-east remains within the settlement development area, and so development for community uses may still be possible here if, on further consideration, this is found to be the preferable site.

55. Regarding the inclusion of a neighbourhood shop among the proposed uses, I note that Balloch already has a large village shop on Cullernie Road. However no potential harm from providing land for a further neighbourhood scale shop has been identified, and on this basis I am content for this reference to remain in the plan.

IN88 Easter Muckovie

56. The representee is concerned about the road safety implications of this allocation.

However given that the site benefits from planning permission and development was underway at the time of my site inspection, I consider that further text in the plan would serve no useful purpose. No modification is therefore required.

IN89 Land south-east of Drumossie Hotel

57. Although not mentioned by the council above, I note that Westhill Community Council has suggested that its proposed 'gateway' criteria be applied to this site. I considered the need for a gateway policy under issue 2, and concluded that this is a policy area that would be worthwhile the council considering further with a view to possibly including a policy in future plans. In the meantime, no specific change is sought to this allocation, and I therefore conclude that no modifications are required.

IN90 South of Inverness Retail and Business Park

58. This site was allocated for bulky goods retailing in the adopted Highland-wide Local Development Plan. At paragraphs 16 to 18 of Issue 9, I concluded that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. No such changes have been brought to my attention with regard to this site. The restriction to bulky goods retailing only is already clearly stated in the plan and does not require repeating. It is not essential to include the justification for policies within the plan itself. For these reasons I conclude that no modification to the plan is required.

Reporter's recommendations:

It is recommended that:

1. The capacity of Site IN74 Caulfield Road be amended to 4.
2. The first sentence of the requirements for Site IN76 Stratton Lodge be deleted, and the following words added at the end of the requirements: "transport assessment (subject to which development may proceed in advance of the wider transport measures associated with the development of sites IN82, IN83 and IN84 in the Highland-wide Local Development Plan)"
3. The words "assessment of implications for parking provision in the area, and any necessary mitigation" be added to the requirements for site IN78 Land east of Smithton Free Church.
4. The following words be added at the start of the requirements for site IN84 Milton of Culloden: "The Council will produce a masterplan/ development brief which it will adopt as supplementary guidance. This will address: access;"
5. The western part of site IN87, comprising woodland and an area of open space/road verge on the corner of Barn Church Road and Moray Park Avenue, be deleted from the allocation.

Issue 14	Inverness Airport Business Park	
Development plan reference:	(Para 4.18, Page 55)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Environment Protection Agency (00523) Woodland Trust (04364)</p>		
Provision of the development plan to which the issue relates:	Inverness Airport Business Park	
Planning authority's summary of the representation(s):		
<p><i>Flood Risk</i></p> <p>Scottish Environment Protection Agency (00523) - Allocation requires the inclusion of developer requirement for need for a Flood Risk Assessment to support development.</p> <p><i>Woodland interests</i></p> <p>Woodland Trust (04364) - Highland Council supplementary guidance notes that woodlands and trees offer multiple benefits in terms of addressing climate change, improving the water environment, providing valuable habitats, timber industry and creating recreational opportunities. Considerations include the cumulative impact of woodland removal, and fragmentation of habitat.</p> <p>Both the Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced. The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.</p> <p>Loss of woodland on this site is strongly opposed. Developments must take into account effect on any remaining woodland.</p>		
Modifications sought by those submitting representations:		
<p>Scottish Environment Protection Agency (00523) - Inclusion for developer requirement to provide a Flood Risk Assessment for each phase of development.</p> <p>Woodland Trust (04364) - Inclusion of developer requirement to offer protection to ancient woodland on the site.</p>		

Summary of responses (including reasons) by planning authority:

Flood Risk

Scottish Environment Protection Agency (00523) - The development at the business park already has an approved masterplan for the wider development of the site [THC IA1-1 Inverness Airport Business Park, Access road approval and plan, (08/00215/OUTIN) which requires matters specified in conditions applications to come forward with individual applications for each phase of development. These applications will need to assess whether there is a need to be supported by a Flood Risk Assessment as not all phases of development may not have an indicative flood risk. Consider that a proposed change may be appropriate to provide greater clarity on this issue and can be made as a non-notifiable modification. Consider that it may be appropriate to add a further developer requirement to read "Each phase of development to assess whether there is a requirement for a Flood Risk Assessment and to be developed in accordance with any of its recommendations."

Woodland interests

Woodland Trust (04364) - Woodland is already offered protection through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage. [CD1: Highland-wide Local Development Plan, Policies 51 & 57, pages 102 and 111 respectively] A minor augmentation of the requirements text may be appropriate, Consider that it may be appropriate to add a further developer requirement to read "; consideration of the natural, built and cultural heritage of the wider area." will highlight this facet of policy.

If the Reporters feel that clarification would be appropriate then the Council would be content with the suggested additional developer requirements.

Reporter's conclusions:

SEPA (00523)

1. The Scottish Environment Protection Agency requests a modification to note the developer requirement for a flood risk assessment to support development proposals. The plan allocation reflects the current masterplan and planning permission for the site. This will involve a phased development and I note the council's view that the flood risk across the site will vary and that certain phases may not need a full risk assessment. The council suggest that each phase should therefore be considered on its merits and that it is sufficient for the requirements for the site development in the plan to clarify this. I agree that this proposal for modification will clarify the situation.

Woodland Trust (04364)

2. The Woodland Trust is strongly opposed to loss of woodland at this site but is realistic that the site already has the benefit of a masterplan and outline planning permission. It is described as 'shovel ready'.

3. Scottish Planning Policy seeks to protect ancient and semi-natural woodland where possible. The Airport Business Park is however a key part of the growth strategy adopted in the Highland-wide Local Development Plan (HWLDP) for the Inverness – Nairn corridor

and underpins the development of Inverness Airport as a critical part of the regional infrastructure.

4. Most of the site is open farmland interspersed with tree belts. There will inevitably be some tree loss in the implementation of this large development site. Detailed design stages of the development will however be controlled by the development policies of the HWLDP which take into consideration the need to protect all woodland, including ancient and semi-natural woodland, where appropriate. I consider it implicit in the requirements section of the plan that these policies will be applied and that no further clarification needs to be added.

Reporter’s recommendations:

It is recommended that the text for allocation IA1 be modified to insert after “.....wider path and green network;” “flood risk assessment where required;” .

Issue 15	Castle Stuart	
Development plan reference:	(Para 4.18, Page 55)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Woodland Trust (04364) Medco Ltd (04414)		
Provision of the development plan to which the issue relates:	Castle Stuart	
Planning authority's summary of the representation(s):		
<p><u>CS1 Castle Stuart</u></p> <p>(04414) - Supports the allocation of this site, which will enable consolidation and expansion of this prestigious regional leisure development.</p> <p>(04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy. Remaining patch of trees in middle of area is on OS 6 inch 1843-1882 and should be assessed for it potential as ancient woodland. Opportunity for retention and expansion of this area.</p>		
Modifications sought by those submitting representations:		
<p>(04364) - Inclusion of requirement for assessment of woodland for it potential as ancient woodland and opportunity for retention and expansion of this area. (assumed)</p> <p>(04414) - Supports the allocation of this site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>(04364) - Woodland is already offered protection through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage. [CD1: Highland wide Local Development Plan, Policy 51 and 57, pages 102 and 111 respectively] Suggest a proposed change as it relates only to providing greater clarity, and can therefore be made as a non-notifiable modification. Suggest that a minor augmentation of the requirements may be appropriate, text to read, "consideration of the natural, built and cultural heritage of the wider area." will ensure the consideration of this facet of policy.</p> <p>If the Reporters feel that clarification would be appropriate then the Council would be content with the suggested additional developer requirement.</p>		

Reporter's conclusions:
<p><u>Woodland Trust (04364)</u></p> <p>I note the presence of groups of trees on the site believed to date from the 1840's which may be ancient woodlands worthy of protection. Detailed design stages of the development will however be controlled by the development policies of the Highland-wide Local Development Plan which take into consideration the need to protect all woodland, including ancient and semi-natural woodland. Where appropriate these policies should require assessment of those woods suspected of being ancient or semi-natural woodland with a view to establishing a landscape plan for their retention and management. I consider it implicit in the requirements section of the plan that these policies will be applied and that no further clarification needs to be added.</p>
Reporter's recommendations:
<p>No modification.</p>

Issue 16	Fendom	
Development plan reference:	(Para 4.22, Page 59)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Angela Gardiner (04093)		
Provision of the development plan to which the issue relates:	Fendom	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>(04093) - Believes that as the land is currently prime agricultural land and used as such so there is no need to change this argues that there is plenty of land on the north side of the unclassified Tain - Tarrel road to serve industrial uses and where there are no houses. Major concerns exist regarding all types of potential pollution as a result of change of use of the land with a number of children living in this area. Also the exact use of this land has not been made clear which is unacceptable when we are asked to give our views on this.</p>		
Modifications sought by those submitting representations:		
(04093) - Removal of land to the south of the unclassified Tain - Tarrel road from the industrial allocation.		
Summary of responses (including reasons) by planning authority:		
<p><u>General</u></p> <p>(04093) - The extent of the allocation boundary at Fendom [see MIR site boundary, page 102, CD5: Inner Moray Firth Local Development Plan: Main Issues Report] has been reduced in response to comments received to the Main Issues Report. The area retained within the Proposed Plan is considered appropriate to support potential the re-use of the former pipe bundling operation site and the wider area.</p> <p>Accordingly, the Council believes the Fendom boundary should be retained without modification.</p>		
Reporter's conclusions:		
<p>1. The Fendom industrial site is largely comprised of the former Fendom aerodrome. From my site inspection the land to the north still appears to be in use by the Royal Air Force as the Tain bombing range. Evidence of previous industrial use still exists in the form of a large industrial sized shed aligned on the old main runway, where its length</p>		

facilitated the laying out of pipes from the old bundling operation, now no longer operating.

2. The whole site is virtually flat, with part of it, including remnants of the old aerodrome buildings, being in agricultural use. This is predominantly on the south side of the Tain to Tarrel road, which appears mainly under rough grazing, within the boundaries of the old aerodrome.

3. As the council points out the site has already been reduced in size from the original in the main issues report. I note also it is reduced significantly in size from the allocation in the extant Ross and Cromarty East Local Plan, which will be replaced by the proposed plan.

4. Given these reductions in size, and the clear suitability of the large flat area for industrial use, I see no justification for the removal of any further land from the allocation.

Reporter's recommendations:

No modifications.

Issue 17	Nigg	
Development plan reference:	(Para 4.22, Page 59)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Nigg & Shandwick Community Council (00313) St Francis Group (01081) Cromarty Firth Port Authority (04218) Tain & Easter Ross Civic Trust (04361)</p>	<p>Woodland Trust (04364) Gwyneth Lock (04510) Anne Thomson (04511) W McCloud (04512)</p>	
Provision of the development plan to which the issue relates:	Nigg	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>New sites not previously consulted on</p> <p>Tain & Easter Ross Civic Trust (04361) - Suggests the possibility of a new settlement at Nigg, for workers at the Nigg Yard should be examined. This could be a new planned village, looking out over Cromarty.</p> <p><u>NG1 Nigg Yard</u></p> <p>Proximal land and species surveys</p> <p>St Francis Group (01081) - Express support for the identification of land [01081, NG1 Potential Platform extents map] in the control of the St Francis Group (SFG), as part of the Proposal NG1 to accommodate industry which has specialist large-scale space requirements, e.g. Renewable energy plant / components or mailers relating to decommissioning and subsea marine fabrication. The requirements for the site are not disputed by SFG as it also made supportive contributions to the consultations leading to the adoption of the Nigg Masterplan. However the information previously submitted in relation to the ecology of the area demonstrates an "unremarkable" ecology for the site, and that the key designation within the site, the Rosemarkie to Shandwick Coast SSSI is designated because of its special woodland, birds and plant life. SFG would be willing to focus on the most appropriate species surveys which can add value to any future development proposals. Comments in relation to the requirement for future species surveys support the request that only a focussed or appropriately scoped species survey need be undertaken in future in relation to the Proposal NG1 boundary.</p> <p>Description of Nigg Yard activities</p> <p>Cromarty Firth Port Authority (04218) - Object to the lack of information on the</p>		

development of Nigg considering introduction. Also both Nigg and the Invergordon Service Base are much more than 'Ports' this should be recognised appropriately.

St Francis Group (01081) - Object to paragraph 3.11 wording of the first bullet describing the plan's strategy. It is proposed this be modified, to better reflect a wider scope of opportunities of the site at Nigg suitable for inward investors in the specialist large scale marine related sector.

St Francis Group (01081) - Objects to Paragraph 4.24 of this part of the Plan and is seeking a change. It is considered this proposed change will better reflect a wider scope of opportunities of the site at Nigg suitable for inward investors in the specialist large scale marine related sector.

St Francis Group (01081) - Object to the wording of the vision statement at Section 3.10 of the Plan. This should be modified to better reflect the range of specialist large-scale business and industrial operations that will make a new future at Nigg. These may be developments of an uncertain size and with locational characteristics, and which can only be accommodated on sites such as Proposal NG1. The proposed change would better reflect a wider scope of opportunities of the site at Nigg suitable for inward investors in the specialist large scale marine related sector.

Natural and Built Heritage

Nigg & Shandwick Community Council (00313) - Nigg has clearly been identified as an employment growth area it is to the detriment to its other attributes by playing down that it is an area of great beauty, largely agricultural with a bird sanctuary and many historic sites including the Nigg Old Church and Celtic Stone. It is a tourist area with coaches coming in on a daily basis and a ferry to and from Cromarty. Little or no mention is made of these attributes surely they should be of equal consideration when looking at planning matters.

Woodland interests

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy. Considers development should avoid ancient woodland at NH769967, appropriate buffering is required.

Review of Nigg Yard boundary

Nigg & Shandwick Community Council (00313), Anne Thomson (04511), W McCloud (04512), Gwyneth Lock (04510) - The boundary drawn and published in the Nigg Master Plan is not clear when matched with areas on the ground. The Title to an area of the land is held by the owners. The hamlet of 3 dwellings and private land at Balnabruaich between the protected woodland and B9175 has been reincluded as Industrial land. It had this designation removed around 10 years ago, allowing the easing of planning restrictions for the houses, some of which have been there for 200 years, and the new build of St Kilda. The present owners of Nigg Yard indicated that they had no need of this small corner, and indeed have fenced it off themselves along the boundary of St Kilda, earlier this year. Two of the owners of the private dwellings are 5th generation crofters of the original plots, and remained outwith the earlier development of Nigg by their firm

refusal to sell their croft right. As this land is surplus to industrial requirements, present and future, could it please be returned to residential use to enable the owners to enjoy their properties free of planning restrictions caused by inclusion within the Nigg Yard Boundary.

Modifications sought by those submitting representations:

General

New sites not previously consulted on

Tain & Easter Ross Civic Trust (04361) - Suggests new planned village at Nigg.

NG1 Nigg Yard

Description of Nigg Yard activities

Cromarty Firth Port Authority (04218) - Provision of more information for Nigg and Inverness Marina/Waterfront in line with those provided for other port developments. Seeks reference to 'Ports' in Invergordon and Nigg in line 8 to be changed to 'Facilities'.

St Francis Group (01081) - Seeks at Section 3.10 of the Proposed Plan a modification of the second sentence to read "Nigg, Invergordon, Highland Deephaven will have enhanced their reputation as a focal point for North Sea Oil, cruise ship berthing, rail and sea freight, [specialist large scale marine related land uses with specific locational characteristics] and fabrication of both on-shore and off-shore renewables."

Also seeks the following additional sentence is added to NG1 Nigg Yard requirements "and [specialist large scale marine related land uses with specific locational characteristics]" and inclusion of an additional phrase at para 4.24 of the Plan, leading after the second sentence of paragraph as follows: "and the accommodation of specialist large scale marine related land uses with specific locational characteristics"

Natural and Built Heritage

Nigg & Shandwick Community Council (00313) - Seeks mention natural and built heritage features of Nigg area.

Woodland interests

Woodland Trust (04364) - Requirement for development should avoid ancient woodland at NH769967, appropriate buffering is required.

Review of Nigg Yard boundary

Nigg & Shandwick Community Council (00313), Anne Thomson (04511), W McCloud (04512), Gwyneth Lock (04510) - Seeks review of the boundary of Nigg allocation.

Summary of responses (including reasons) by planning authority:General*New sites not previously consulted on*

Tain & Easter Ross Civic Trust (04361) - The development of a new settlement at Nigg would require significant improvement to all services and infrastructure in the area and include significant investment in planning and designing such a project. The conception of a development of this nature focussed on the delivery of a planned settlement to serve primarily one employer is unlikely to be attractive to developers or indeed to residents. The Plan's strategy for the Easter Ross area is based on wider growth across the area, with employment growth underpinned mainly by the oil and renewables sectors as well encouraging wider economic opportunities in settlements and existing employment areas. The strategy also aims to consolidate the sustainable growth of existing settlements with available service and infrastructure capacity. It is therefore not considered appropriate to introduce the potential for a planned new settlement to support development at Nigg Yard.

Accordingly, the Council believes the suggestion of a new settlement should not be included in the Plan content.

Description of Nigg Yard activities

Cromarty Firth Port Authority (04218) - The Nigg Development Masterplan [THC NG1-1 Nigg Development Masterplan, Options maps extracts] alongside supporting documents provides detail on the development opportunities and considerations for the development of the site in contrast to other sites contained within the Plan. The Development Plan[CD1: Highland wide Local Development Plan, Policy 23 Nigg, page 68] is required to be read as a whole and as such the related documentation should be referred to. Further detail is given to allocations where this is required to guide the preparation of further guidance and briefs.

The text at para 4.24 does identify the range of activities that are available at both locations, however the Council is not averse to the use of the term "facilities" as this clarifies the position that more than port activities are undertaken at both Nigg and Invergordon. Agree with proposed change as it relates only to providing greater clarity, and can therefore be made as a non-notifiable modification; amend textual reference to "ports" is changed to "facilities".

St Francis Group (01081) - Agree with proposed change as it relates only to providing greater clarity, and can therefore be made as a non-notifiable modification, text to be amended to better represent the scope of development opportunities identified at Nigg and consider that the addition of text to the end of the second sentence of para 4.24, in the second sentence of para 3.10 and the first bullet point of para 3.11 is appropriate, to read "and the accommodation of specialist large scale marine related land uses with specific locational characteristics".

The Council would support such a change should the Reporters wish to recommend it.

Natural and Built Heritage

Nigg & Shandwick Community Council (00313) - The vision for the Ross-shire Growth area does identify the role of tourism in this part of the Plan area, at para 3.10, although not specifically identifying individual places of interest. There may be merit however of including a further bullet point at para 3.15, to identify the need to, “Preserve and promote the historic places of interest in the area”.

The Council would support such a change should the Reporters wish to recommend it.

Woodland interests

Woodland Trust (04364) - The presence of the Pitcalzean Wood, adjacent to the identified Nigg Masterplan area, as contained in the Ancient Woodland Inventory and also the Tree Preservation Order [THC NG1-2 Pitcalzean Wood – Woodland Inventory and TPO map extract] is a factor that would have to be considered in any development proposals for the area. The woodland is already offered protection through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage. [CD1: Highland wide Local Development Plan, Policy 51 and Policy 57, pages 102 and 111 respectively] Agree with proposed change as it relates only to providing greater clarity, and can therefore be made as a non-notifiable modification, insert a minor augmentation of the requirements text to read, “; consideration of the natural, built and cultural heritage of the wider area.” will ensure the consideration of this facet of policy.

Review of Nigg Yard boundary

Nigg & Shandwick Community Council (00313), Anne Thomson (04511), W McCloud (04512), Gwyneth Lock (04510) - It is noted that the Nigg Development Masterplan [THC NG1-1 Nigg Development Masterplan, Options maps extracts] does not include the residential properties referred to in the representation. The HwLDP boundary has included, in error, the intervening land between the identified development areas for Nigg, although it should be noted that the potential for delivery of access to the development areas to the east of the Nigg Ferry Road should be highlighted to correctly reflect the development intentions of the Masterplan as contained in in Figure 6.2 of the Supplementary Guidance. The Council would support such a change should the Reporters wish to recommend it.

Reporter’s conclusions:

New sites not previously consulted on - Tain & Easter Ross Civic Trust (04361)

1. The council has explained its strategy for wider growth across the Ross-shire growth corridor, consolidating this on existing settlements. Significant land allocations have been made in these, benefitting from existing services in a sustainable manner. The council makes the point that a new settlement at Nigg would require significant investment and provision of services, as well as being likely to be unattractive to both developers and potential residents. I accept this view. Distances from Nigg to other settlements in the area are relatively short, so sustainable travel is not a major issue. No real justification has been provided for a major new settlement. If any need should arise this could be considered during the preparation of future plans. No modification is needed.

Description of Nigg Yard activities - Cromarty Firth Port Authority (04218)

2. The council points out that the development of Nigg should be seen within the context of the Highland-wide Local Development Plan, where development of the site is provided for under policy 23 on page 68. The Nigg development Masterplan (council document NG1-1) provides a blueprint for the future development of the yard. This is based on the former oil rig construction facilities first established in the early 1970s. The use of the yard has changed since then, reflecting changes in the North Sea oil and associated engineering industries. The site has always been more than a port, and I accept the council's view that it would be appropriate to describe the use as 'facilities' rather than 'ports' in paragraph 4.24. Further details regarding the activities undertaken are effectively dealt with in the modifications proposed below.

St Francis Group (01081)

3. These representations concern added clarity to the plan's description of the industrial activities on the Cromarty Firth and are not contentious. The council has therefore accepted the proposed modifications, set out above, and I agree with this decision. It should also be noted that under Issue 9 Strategy, the reporter has recommended the addition of a new second sentence in paragraph 4.24 to read: "Nigg features in the National Renewables Infrastructure Plan as one of only four sites in Scotland suitable for integrated manufacture of offshore wind turbines." This adds further detail that emphasises the importance of the site.

4. It should be noted that in the summary of requested modifications there is a reference to an addition to the requirements for site NG1 Nigg Yard. I have been unable to find any reference to this in the original submission, and in any event the proposal as reported is virtually identical to that requested for paragraph 4.24, with which the council agrees, and I accept this. I consider this is the correct place for such a reference and the representor is not prejudiced in any way by my not making any modification to the requirements for site NG1.

Natural and Built Heritage - Nigg & Shandwick Community Council (00313)

5. This representation seeks the addition of a more specific reference to the natural and built heritage of the area. The council suggests adding an additional bullet point to paragraph 3.15 to deal with this, and I agree this is a sensible modification. Given, however, that the heading for that paragraph includes natural and cultural heritage, 'natural' should also be included in the new bullet.

Woodland interests - Woodland Trust (04364)

6. The council refers to the protection already granted to the ancient woodland through policies 51 and 57 of the Highland-wide Local Development Plan, together with the Ancient Woodland Inventory and the Tree Preservation Order. Its proposed modification to the requirements for site NG1, outlined above, comprise a sensible reminder of these responsibilities, with which I agree.

Review of Nigg Yard boundary - Nigg & Shandwick Community Council (00313), Anne Thomson (04511), W McCloud (04512), Gwyneth Lock (04510)

7. These representations are effectively seeking the rectification of a technical error on

the map showing the area of designated site NG1 on page 58 of the proposed plan. This appears to have arisen from an inaccuracy in the site's boundary in the Highland-wide Local Development Plan. It affects the area of housing at the small community of Balnabruaich, which was excluded from development in the Nigg Masterplan. As proposed by the council this should be corrected. The council suggests showing access points to development areas east of the Nigg Ferry Road. This has not been raised in representations and is thus not within my remit,

Reporter's recommendations:

It is recommended that:

1. In paragraph 3.10, in the second sentence, after 'sea freight' add: "specialist large scale marine related land uses with specific locational characteristics". The second sentence now reads:

"Nigg, Invergordon, Highland Deephaven will have enhanced their reputation as a focal point for North Sea oil, cruise ship berthing, rail and sea freight, specialist large scale marine related land uses with specific locational characteristics, and fabrication of both on-shore and off-shore renewables."

2. In paragraph 3.11, at the end of the first bullet point, after 'sea freight' and before the semi-colon add: "and the accommodation of specialist large scale marine related land uses with specific locational characteristics".

3. In paragraph 3.15 add a third bullet point to read: "Preserving and promoting the natural and historic places of interest in the area."

4. In paragraph 4.24, add at the end of the now third sentence (following the new second sentence referred to above): "and the accommodation of specialist large scale marine related land uses with specific locational characteristics."

For the avoidance of doubt the first three sentences of paragraph 4.24 now read:

"Nigg was also chosen to be an Enterprise Area due to its potential to create new employment opportunities, stimulate private investment and boost economic growth. Nigg features in the National Renewables Infrastructure Plan as one of only four sites in Scotland suitable for integrated manufacture of offshore wind turbines. Capacity also exists at these locations for the manufacture of sub-sea renewables structures and the accommodation of specialist large scale marine related land uses with specific locational characteristics."

5. In paragraph 4.24, in the existing eighth line, delete 'ports' and replace with 'facilities'.

6. In the requirements for site NG1, after 'of the built' add "natural". This part of the requirements now reads: "consideration of the natural, built and cultural heritage of the wider area."

7. On the map for site NG1 on page 58 the boundary of the site should be redrawn to exclude the area of housing and associated land at Balnabruaich.

Issue 18	Beauly	
Development plan reference:	(Para 4.26, Page 59)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) G Simpson Builders (00661) Reynolds Architecture (01626) BE1 Adjoining Residents Association (12 Co-signatures) (04206) Harry Black (04208) Lovat Highland Estates Ltd (04230)	Donald Maclennan (04306) Chris Mearns (04319) P and D Wortham (04342) Alick and Doreen Polson (04363) Ronald & Juliette Chisholm-Broomfield (04482)	
Provision of the development plan to which the issue relates:	Beauly	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>P & D Wortham (04342) - Asserts greater recognition should be given to popularity of walking, in particular at Ferry Road, Cnoc and the Braes and provision made for this.</p> <p>Wishes the Beauly section of the plan to recognise the contribution of trees to amenity of the settlement, in particular tree lined roads, Priors and Cnoc na Rath area so that it continues to be an attractive place to live, work and visit.</p> <p>Scottish Water (00396) - Wants to be made clear that there is currently existing capacity at Assynt Water Treatment Works to encourage development but to also make clear that planning for future development is essential to deliver capacity in line with growth.</p> <p><u>BE1 Beauly East</u></p> <p>Alick & Doreen Polson, Ronald & Juliette Chisholm-Broomfield, Donald Maclennan, Harry Black, BE1 Adjoining Residents Association (12 Co-signatures), (04363, 04482, 04306, 04208, 04206) - Object or raise concerns for one or more of the following reasons: increased risk of flooding – history of flooding in the area (photographical evidence supplied [04306/BE1/1, Page 1 and 04206/BE1/2, Pages 1-2]) due to inadequate drainage land and road drainage and heavy clay soil; settlement sits on a flood plain; substantial watercourse in close proximity; existing culvert inadequate; insurmountable to overcome without first resolving the existing flooding issue; no development should be permitted until watercourse is redesigned to take the upstream flow; unlikely remedial work could provide a long term solution, a diversion of existing watercourse to another outlet would be required; poor ground conditions; negative impact on character of village; further pressure on already stretched infrastructure and no requirement to be improved prior to development; lack of sewerage capacity; considerable distance from trail station – will</p>		

result in car park being over capacity and increased traffic to Inverness and exacerbate existing traffic and parking issues in Beauly particularly at Croyard Road, where there are also road safety issues due to presence of Primary School – loop road unlikely to alleviate problems; loss of valued green space frequented by geese in winter; further erosion of the countryside; erosion of village feel and loss of privacy and views.

Donald MacLennan (04306) - Opposes large scale housing development in Beauly, in particular site BE1 because: Reporters recommendations to previous plan have been disregarded, in particular at Farlie View and original planning application for part of BE1; loop road will not ease congestion, which is already severe Priory Way, Croyard Road and the Village Square; rural nature of village already unbalanced; should remain a village not a dormitory town of Inverness.

P & D Wortham (04342) - Supports principle of development on BE1/BE2 if: there is evidence of demand for scale of homes; impact on services considered, particularly parking; clarity on status and location of link road; flood risk assessment addresses the impact on existing neighbouring properties; landscape plan includes tree planting; clarity on relationship between part of BE1 that has a planning application 'minded to grant' and remaining parts of BE1 and consultation with neighbouring properties.

BE2 Curling Pond/Cnoc na Rath Field

Lovat Highland Estates Ltd (04230) - Extend site to include south west portion of BE1 (as indicated on accompanying map [04230/BE2/1, Page 1]) because: considerable amount of land allocated for housing in Beauly; provides greater flexibility; link road will allow Croyard Road to provide a safe, direct access to town centre; could allow for existing allotments (BE7) to be relocated to an accessible location whilst allowing for development of BE7 for close care housing, assisted living or day care centre in a central location.

BE3 North East of Police Station

Chris Mearns (04319) - Wishes allocation for housing and access taken from BE1 because it would be inconsistent with application 08/00430/FULIN for the following reasons: application for part of BE1 was presumption that BE3 would be allocated for housing; road layout for application was designed to provide access to BE3 from BE1; SUDS for BE1 are located at proposed access point to BE3; access from fire station road dismissed for BE1 as it was to become distributor road; proposed access between BE1 and BE3 as per application not suitable for retail/business use.

BE5 Wellhouse

G Simpson Builders (00661) - Support allocation if clarity is provided on responsibility for delivery of loop road between Croyard Road and High Street. Not willing to contribute to planning, implementation or delivery of loop road because this would result in an undue and unreasonable burden on viability of BE5. Initial feasibility and design testing has been undertaken for the allocated uses with positive results, this would be burdened a need to contribute towards loop road.

Reynolds Architecture (01626) - Believes link road junction should be provided through BE5 (as per sketch plan supplied [01626/BE5/1, Page 1]) because: junction would be further from village centre; allocated land can still be fully serviced; opportunity for allocating additional land to north east in the future; avoid need for an additional A862

junction; could avoid impact on tree preservation order adjacent to A862.

BE7 Fraser Street

Lovat Highland Estates Ltd (04230) - Allocation of site for close care housing, assisted living, care home or day centre because: allotments could be relocated to an extended site BE2; proximity to existing sheltered housing allows for convenience to users; central location; improve range of care facilities within village; safe pedestrian and vehicular access, particularly in comparison to a site access from the A862.

Modifications sought by those submitting representations:

General

P & D Wortham (04342) - Greater recognition of walking opportunities within settlement provision made for this.

Scottish Water (00396) - Amendment to last sentence in para 4.31 to “Whilst sufficient capacity currently exists at Assynt Water Treatment Works and Muir of Ord Waste Water Treatment Works, the cumulative impact of all proposed development within the plan makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development.”

BE1 Beaully East

Alick & Doreen Polson, Ronald & Juliette Chisholm-Broomfield, Donald MacLennan, Harry Black, BE1 Adjoining Residents Association (12 Co-signatures) (04363, 04482, 04306, 04208, 04206) - Removal of site; if site remains then requirement for extensive investigation and major engineering works regarding flood risks and drainage systems.

Donald MacLennan (04306) - Removal of large scale housing sites, in particular BE1.

P & D Wortham (04342) - Amendments to clarify: how parking issues will be addressed; clarity on link road; flood risk assessment including impact on existing neighbouring properties; landscape plan including tree planting; clarity on relationship between BE1 and existing planning application and consultation with neighbouring properties.

BE2 Curling Pond/Cnoc na Rath Field

Lovat Highland Estates Ltd (04230) - Extend to include south west portion of BE1 (as indicated on accompanying map).

BE3 North East of Police Station

Chris Mearns (04319) - Allocation for housing and access taken from BE1.

BE5 Wellhouse

G Simpson Builders (00661) - Clarity is provided on responsibility for delivery of loop road between Croyard Road and High Street.

Reynolds Architecture (01626) - Requirement for link road junction through BE5.

BE7 Fraser Street

Lovat Highland Estates Ltd (04230) - Allocate for close care housing, assisted living, care home or day centre.

Summary of responses (including reasons) by planning authority:

General

(04342) - It is not considered appropriate for the plan to specifically mention the popularity of walking in Beaulieu. Sufficient protection of existing paths and requirements for developments to be permeable and link with or create new connections is provided in the policies of the HwLDP. Furthermore where important active travel connections must be retained or new links created this is specified as a requirement against individual sites in the Proposed Plan.

Sufficient recognition is given to the contribution of trees to the amenity of Beaulieu. Paragraphs 4.27 and 4.29 of the general Beaulieu text mention trees, the former makes reference to tree lined streets characterising the Conservation Area and the latter 'rising slopes and wooded margins of the adjoining countryside' [CD6, Paras 4.27-4.29, Pages 59-60]. It is not felt that there would be significant merit in specifically referencing trees at the Priory and Cnoc na Rath areas, particularly as these areas are already identified as safeguarded areas of green space.

Scottish Water (00396) - The Council support the proposed change as it reasonably clarifies that additional capacity should be proportionate to development needs. Accordingly the Council would support such a change should the Reporters wish to recommend it.

BE1 Beaulieu East

Alick & Doreen Polson, Ronald & Juliette Chisholm-Broomfield, Donald MacLennan, Harry Black, BE1 Adjoining Residents Association (12 Co-signatures) (04363, 04482, 04306, 04208, 04206) - A number of technical issues with regards to development of the site increasing the risk of flooding were raised in representations. The general text for Beaulieu in paragraph 4.31 acknowledges that Beaulieu has a risk of flooding and a result requires that many development proposals will be required to be accompanied by a flood risk assessment and/or drainage impact assessment the outcome of which may affect the development options of sites and require complex mitigation measures [CD6, Para 4.31, Page 60]. A requirement of BE1 is a flood risk assessment. Both the Scottish Environment Protection Agency (SEPA) and Council's Flood Team are satisfied with the text regarding flood risk in the Proposed Plan. Part of the site is already covered by a 'minded to grant' planning application (ref: 08/00430/FULIN) subject to conclusion of a section 75 agreement. Therefore mitigation of any flooding issues associated with this part of the site has already been addressed to the satisfaction of SEPA and the Council's Flood Team. The detailed issues raised will be considered as part of a flood risk assessment to accompany any future planning application/s on the remainder of the site.

In terms of infrastructure the general text for Beaully in paragraph 4.31 acknowledges that the expansion of Beaully will require upgrades to its road network, in particular a loop road between Beaully High Street and Croyard Road and traffic calming. It also makes reference to potential requirements for new community and leisure facilities and engagement with Scottish Water to ensure capacity is available in the local water and waste water treatment works. Furthermore a number of infrastructure requirements are listed as requirements for site BE1.

With regards to improvements to infrastructure prior to development, Scottish Government Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements [THC BE1/1] explains that planning obligations should only be sought where they meet a number of tests. One of the tests is that the obligation should relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development. It would therefore not be reasonable to expect a developer to make improvements to infrastructure prior to development. The timing of any required improvements to infrastructure is likely to be conditioned on any future planning applications before the occupation of the first house or a later phase as deemed appropriate to the Council.

In terms of sewerage capacity Scottish Water 2012 Capacity Tables for Waste Water [THC BE1/2] and the more up to date Scottish Water Asset Capacity Finder both confirm that sufficient capacity is available for identified development needs at the Muir of Ord Waste Water Treatment Works.

The site lies approximately 1km from Beaully Train Station to which it is connected via a continuous pavement. It is therefore not unreasonable to expect that a proportion of residents would travel to the station by means of active transport. Furthermore, whilst it is understood that the train station car park is often at capacity, land is proposed to be allocated in the Proposed Plan for expansion of the car park and a planning application has recently been submitted for the construction of additional car parking (reference: 14/01303/FUL).

In terms of exacerbating existing traffic issues in Beaully the site is required to provide a link road to connect to Croyard Road which will help reduce traffic congestion in the town centre. A transport assessment is also required to support any planning application that will examine in detail the impact of additional traffic in the settlement and the link road. The Council is aware that there are safety concerns connected with school pupils being dropped off and collected close to the primary school on Croyard Road. Alternative facilities for pick/drop off are available on land to the south of the shinty pitch which is connected to the school by a dedicated footpath.

In terms of parking this will be required on site as per the standards specified in the Council's Roads and Transport Guidelines for New Developments. The site is within easy walking distance of the town centre (200 metres), it is therefore not expected that the development will place significant additional pressure on parking in the town centre.

It is felt that the site represents a logical expansion area in Beaully in terms of accessibility and the design, quality and density of development that can be achieved. The site is well contained by built development to the south and the railway to the north. A requirement of the site is for a masterplan/development brief prepared, furthermore development of the site must be consistent with Highland-wide Local Development Plan (HwLDP) policies on design, in particular Policy 29: Design Quality and Place Making [CD1, Policy 29, Page 79]

which requires proposals to have regard to the historic pattern of development and landscape in the locality and be an integral part of the settlement. It is therefore felt that a sufficient policy framework is in place for the site not have a negative impact on the character of the settlement or erode the countryside.

In terms of any loss of privacy this is 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 [CD1, Policy 28, Pages 77-78]. Impacts on views from individual houses is not a material planning consideration.

The site is currently in agricultural use and therefore is not identified as protected open space in the Proposed Plan from which the public derives any amenity value.

With regards to any impact on the Inner Moray Firth Special Protection Area because this area of flat farm land is used for bird feeding the Habitats Regulation Appraisal found the sites would have a minor residual effect and were therefore screened out alone and in combination with other aspects of the Plan, but require consideration for likely significant effect in-combination with other plans or projects [THC BE1/3, Table 6 and Table 9].

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

Donald MacLennan (04306) - Scottish Government Planning Circular 6/2013 Development Planning states that development plans must be reviewed every five years. This review gives the opportunity for development allocations to be reviewed and is not necessarily precluded by Reporter's recommendations to the previous plan. Often numerous factors in considering development allocations change, for example national planning policy, housing need and demand and infrastructure capacity. The Proposed Plan acknowledges that part of site BE1 is covered by the 'minded-to-grant' decision (Ref: 08/00430/FULIN). The formation of a loop road linking Priory Way with Croyard Road and site BE1 with the A862 has been a long standing aspiration of the local plan for Beauly. The development of this loop road will result in reduced levels of traffic passing through the already congested town centre junctions.

It is considered that the large scale allocations proposed in Beauly represent logical expansion areas as they are contained within built development and the railway line. Furthermore, whilst Beauly does not lie within the Inverness or Ross-shire growth areas expansion of it is supported for a number of reasons, including its proximity to Inverness, accessibility by both rail and bus and infrastructure capacity is or can be made available. In terms of not becoming a dormitory town of Inverness, a number of mixed use and employment allocations have been made in Beauly alongside housing to provide opportunities for local employment.

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

P & D Wortham (04342) - The scale of development supported provides a generous supply of housing land to meet to the housing land requirement in the Inverness Housing Market Area. Impact on services has been considered with input from key infrastructure providers. In terms of parking this will be required on site as per the standards specified in the Council's Roads and Transport Guidelines for New Developments. The site is within easy walking distance of the town centre (200m), it is therefore not expected that the

development will place significant additional pressure on parking in the town centre. The link road is specified as a requirement in the Proposed Plan both in the general text for Beauly and on a site level [CD6, Para 4.30-4.31, Page 60]. The Proposed Plan specifies the location of the link road is between the High Street and Croyard Road.

The introductory text explains that Beauly has a history of flooding and drainage issues and that many development proposals are required to be accompanied by a flood risk assessment and/or drainage impact assessment the outcome of which may affect development options of sites and require complex mitigation measures. A requirement of BE1 and BE2 is a flood risk assessment. Future planning application/s will be required to demonstrate the development does not increase the risk of flooding elsewhere in line with Scottish Planning Policy and HwLDP Policy 64 Flood Risk [CD1, Policy 64, Page 118].

Requirements of the site in the Proposed Plan include a masterplan/development brief that addresses green space and landscaping and specifies that a landscape plan is required. It is likely that the landscape plan will include an element of tree planting.

The Proposed Plan acknowledges that part of site BE1 is covered by the 'minded-to-grant' decision (08/00430/FULIN). This therefore requires the masterplan for the wider site to be consistent with the site layout for the part of the site is that covered by the 'minded-to-grant' decision.

Consultation on the local development plan has been undertaken in line with statutory requirements. The developer of the site will be required to undertake further consultation in accordance with procedures for major planning applications.

BE2 Curling Pond/Cnoc na Rath Field

Lovat Highland Estates Ltd (04230) - It is not considered appropriate for site BE2 to be extended to include the south west portion of BE1 as BE2 is of a sufficient size to accommodate the mix of uses specified in the Proposed Plan and the Proposed Plan already specifies a requirement for a link road connecting to Croyard Road.

However given that the Council now supports residential/non-residential use and allotments on site BE7 (see response to BE7) subject to the equivalent allotment provision being provided on BE2 it is recommended that the uses of BE2 are amended to include allotments and that the following addition is made to the requirements text: 'Provision of equivalent allotment provision to compensate for any reduction of allotments on site BE7. Must be provided prior to commencement of development on site BE7' should the Reporters wish to recommend it.

BE3 North East of Police Station

Chris Mearns (04319) - A southern section of site BE1 (reference: 08/00430/FULIN) has planning permission for 37 houses subject to the conclusion of a legal agreement. The site layout for this part of the site illustrates an internal vehicular connection from BE1 to BE3 [THC BE3/1]. It also shows a SUDS pump chamber adjacent to the existing fire station access at the location where the Proposed Plan specifies access is to be taken from for site BE3. Therefore, the 'minded-to-grant' site layout for a southern section of BE1 does not allow for the requirements of BE3 specified in the Proposed Plan to be delivered.

The 'minded-to-grant' site layout is inconsistent with the access requirement for BE3 because when the Proposed Plan was being prepared there was considerable doubt over the effectiveness of the 'minded-to-grant' site given the amount of time that had passed since the application was reported to the Council's Inverness, Nairn, Badenoch and Strathspey Planning Applications Committee in August 2009. The Proposed Plan therefore took the opportunity for a fresh approach to the delivery of development in area, in particular access arrangements. However the potential effectiveness of the 'minded-to-grant' site has recently been significantly increased as the Development Management case officer and Council Solicitor have recently confirmed that the section 75 agreement is being finalised and is expected to be concluded in the near future. This provides some certainty that the portion of BE1 for which a planning application has been submitted will be delivered, which would not allow BE3 to be delivered as per the requirements specified in the Proposed Plan.

Site BE3, albeit with slightly different site boundaries, is identified in the Inverness Local Plan as site reference 9 '0.5 hectares of land adjoining the lorry park is allocated for the development of a fire station' [CD2, Para 9, Page 60 and Site Reference 9 Beaully Inset Map]. However a new fire station was built on an alternative site in Beaully, this allocation is therefore no longer required and provided the opportunity for the allocation to be reconsidered. Beaully currently has a vibrant town centre with few vacancies and a growing population. It was therefore felt that the site provided an opportunity to expand commercial uses and increase the tourist/retail offer at a suitable location close to the town centre from which it is connected by a continuous footway. Furthermore a number of public services and retail units are located close to the site, allowing it to represent a logical expansion for commercial uses in the town.

The representation states that the layout of BE1 was made on the assumption that BE3 would be allocated for housing in the future. Given this was merely an assumption and the site lies mostly outwith the part of BE1 subject to a planning application it continues to be considered appropriate for the site to be allocated for mixed use. With regards to the suitability of the proposed road for providing access to a retail and business/tourism allocation given the low intensity of use proposed the Council's Roads Officer has confirmed that this could be achieved [THC BE3/2]. It is therefore recommended that the requirements for the site are amended to state that access should be taken from BE1 rather than the existing fire station access as this is where the SUDS pump chamber associated with site BE1 is proposed.

Accordingly the Council would support the following change to the allocation should the Reporters wish to recommend it: 'Access to be taken from BE1'.

BE5 Wellhouse

G Simpson Builders, Reynolds Architecture (00661, 01626) - The requirement for a loop road linking Croyard Road through site BE1 and BE5 then connecting with the A862 is specified in the Proposed Plan. Whilst the site layout for the 'minded-to-grant' southern section of BE1 showed the provision of the loop road connecting to the existing fire station access road and also to future development to the north of the site given the amount of time that has passed since the application was reported to Committee there was considerable doubt over the effectiveness of the site. The Proposed Plan therefore took the opportunity for a 'fresh approach' to the delivery of development in area, in particular to the position of the loop road.

In taking this fresh approach and to increase the likelihood of the loop road being delivered a requirement was specified in the Proposed Plan for BE5 to provide a link road connecting to BE1 and the A862. However the potential effectiveness of the 'minded-to-grant' site has recently been significantly increased as the Development Management case officer and Council Solicitor have confirmed that the section 75 agreement is being finalised and is expected to be concluded in the near future. This provides some certainty that the portion of BE1 for which a planning application has been submitted will be delivered with the inclusion of the link road. Therefore the delivery of a link road through BE5 connecting to BE1 then the A862 is no longer required. However, it remains important that the site is integrated with Beaully and it is therefore recommended that an additional requirement is added that specifies that active travel connections between BE1 and BE5 are provided should the Reporters wish to recommend it.

Accordingly the Council would support the following changes to the allocation should the Reporters wish to recommend them: removal of the requirement for a link road connecting to adjacent housing site and A862 and insertion of a requirement for active travel connections between BE1 and BE5.

Given that the Council recommends the removal the requirement for a link road connecting to the adjacent housing site and the A862 there would no longer be any responsibility for the developer of BE5 to provide the link road.

With regards to the request for the link road junction being provided through BE5 this is not supported primarily for the reasons described above, in particular that the layout of part of BE1 that has a 'minded-to-grant' planning permission makes provision for the link road connecting to the existing fire station access. In terms of the junction being further from the village centre, Council Roads Officers are content with its existing location adjacent at the existing fire station access. With regards to the proposed arrangement allowing for the allocation of additional land north east in the future, it is considered that the allocations in Beaully in the Proposed Plan provide a generous supply of land to meet the housing land requirement for the plan period. There is therefore no need to allow for the allocation of additional sites outwith the plan period. The plan is reviewed every five years, therefore, should the housing land requirement change and significant progress occur on the allocated sites this can be considered in the review of the plan. These comments are also relevant to avoiding the need for an additional junction on the A862 and any subsequent impact on the Tree Preservation Order parallel to this road.

BE7 Fraser Street

Lovat Highland Estates Ltd (04230) - Site BE7 is currently occupied by a series of allotments that are in private ownership. It is understood the allotments are leased to individuals on a short term basis. Scottish Planning Policy requires existing allotment sites to be safeguarded in the development plan [THC BE7/1].

With regards the appropriateness of BE7 for close care housing, assisted living, care home or day centre it is accepted the location is desirable in terms of its proximity to existing sheltered housing; central location and potential for safe pedestrian and vehicular access. The provision of facilities of this kind would also improve the range of care facilities within the settlement. Site BE2 is in the same ownership as site BE7 and is considered to be suitable for the provision of allotments given it is in relatively close proximity to the town centre, existing and planned housing expansion areas in Beaully.

The Council therefore suggests for consideration by the reporter that the plan is amended to allow for part of BE7 for the uses proposed, provided a proportion of the allotments are retained on the site and equivalent allotment provision to those lost to alternative development provided on site BE2. Accordingly the Council suggests for consideration by the Reporter an amendment to BE7 to become a mixed use allocation with the following uses specified: 'Community (Residential Institution/Non-Residential Institution/Allotments)' and for the requirements to state: 'Provision of day centre or care home and directly associated small scale development of close care or assisted living units. Mainstream housing will not be supported. Retention of proportion of site for allotment use; compensatory allotment provision equivalent to those lost to alternative development provided on site BE2 prior to commencement of development.'

Following the publication of this draft Schedule 4 on the Council's website for the Council's Planning, Development and Infrastructure Committee on 14 May 2014 (Committee which the Schedule's 4s were reported to) two representations from third parties were received by the Council. These third parties reside close to the site and may be adversely affected by the Council's suggestion to allow for some built development on the site. Full copies of these third party representations are for provided for the Reporters information within the Schedule 4 file [THC BE7/2; THC BE7/3].

A similar request was made by the landowner in response to the Main Issues Report which also identified the site for community use. The request was not supported at that time because there was community support for the retention of the allotments and no alternative sites for the provision of allotments were suggested. Given that an alternative site for the provision of the allotments can be secured and the merits of the site for close care housing, assisted living, care home or day centre the development its change use is now recommended to be supported.

Accordingly the Council would support such a change should the Reporters wish to recommend it.

Reporter's conclusions:

General

P and D Wortham (04342)

1. The council has set out above the protection of footpaths and requirements for new walking connections in the Highland-wide Local Development Plan. Similarly it outlines references to trees and general woodland landscape setting within the preamble to the Beaully policies in the proposed plan. I consider these taken together give adequate support for walking and landscape protection. No modification is needed.

Scottish Water (00396)

2. This is a factual clarification that is supported by the council and the plan should be modified accordingly.

BE1 Beauly East

Alick & Doreen Polson (04363), Ronald & Juliette Chisholm-Broomfield (04482), Donald Maclennan (04306), Harry Black (04208), BE1 Adjoining Residents Association (12 Co-signatures) (04206)

3. The principal issues raised here relate to the physical state of the site and particularly to potential flooding and drainage. The principle of developing at least the eastern arm of the site is established through the council's 'minded to grant' decision on a planning application for part of the site (08/00430/FULIN). This covers a development of 37 houses and flats. It is clear from the council's evidence that the Scottish Environment Protection Agency is satisfied that flood related matters can be satisfactorily addressed.

4. Paragraph 4.29 of the proposed plan effectively identifies the rising slopes and wooded margins, the River Beauly and its flood plain and the railway as defining the future form of the town. Sites BE1 and BE2 form a natural extension between the existing built up area and the railway that marks the new edge of the settlement development area on its western side. I have no difficulty with the general principle of developing these areas.

5. Paragraph 4.31 recognises the need to upgrade the road network, especially the Priory Way link road that leaves the High Street by the Coop store, running through an existing housing area before crossing site BE2 to reach Croyard Road. Via the latter it will provide a major link to site BE1 bypassing the town centre. I do not agree with representations that this link will not help alleviate central congestion in the town.

6. I have considered carefully all the issues raised in the representations. The designation of the site has been carefully assessed by the council as part of the future development of Beauly as set out in the proposed plan. I have not found any matters that cannot be addressed either by conditions imposed on planning permissions or obligations between the council and developers under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended. It should be noted that any obligations under the Act regarding payments for infrastructure upgrading can only deal with improvements that are necessary as a consequence of the development concerned. An example of this would be a new roundabout to deal with additional traffic from the development, or an increase in school capacity caused by the needs of school aged children living in a development.

7. Taking all these factors into account I have not found any evidence that justifies the removal of the site from the proposed plan. Issues raised are dealt with under the comprehensive site requirements set out under BE1 Beauly East.

Donald Maclennan (04306)

8. The designation in the proposed plan of Beauly as a town centre reflects its significance in the overall settlement hierarchy. The preparation of the plan provides the council with the opportunity to assess where development should take place, taking into account the consultation responses to the main issues report. Based on my site inspection Beauly is clearly a popular place to live, and benefits from close proximity to Inverness with good communications by road and rail.

9. Inevitably there are differing views as to how, if at all, the town should expand. Circumstances can change over time between different versions of a local plan/local development plan. The fact that one reporter's views regarding an earlier version of the

plan are then not accepted for a later one does not provide evidence that the council is therefore wrong. The concerns set out can be addressed at the planning application stage, and I am satisfied that the site requirements are comprehensive and will enable development to take place for the future benefit of the community.

P & D Wortham (04342)

10. This representation is broadly supportive of the development of the site. As stated above the site requirements are comprehensive, and the need for various assessments will determine how the site can be developed in detail. This may require mitigation regarding issues such as flooding and access, and the masterplan approach will determine what is necessary to be able to grant planning permission. No modification is necessary.

BE2 Curling Pond/Cnoc na Rath Field

Lovat Highland Estates Ltd (04230)

11. This representation is seeking an extension of site BE2 to extend its mixed use classification onto the south-west portion of site BE1. This is shown on plan 04230/BE2/1. In return the representee offers to make land available for allotments to replace some of those on site BE7, which is in the same ownership, so as to open up that site for development.

12. Sites BE1 and BE2 are all already large sites, and virtually identical in area at 13.4 and 13.3 hectares respectively. Croyard Road provides a clear division between the two, and I have not been provided with a clear justification for either site crossing this. I deal below with site BE7 and have accepted the representee's proposal, agreed by the council, that an allocation be made in the requirements for site BE2 for allotment use. See below for my justification of this. No other modification is required.

BE3 North East of Police Station

Chris Mearns (04319)

13. There has been a change of circumstances since the preparation of the proposed plan. This is described by the council above, but in brief means that the proposed access across land opposite the Fire Station is no longer available as it will be used as part of a drainage scheme. This means that access should be taken from site BE1 in accordance with the layout proposed in planning application 08/00430/FULIN for 37 houses (see drawing THC BE3/1). The council notes that this is now likely to come forward for development following the matters being considered for an obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, being resolved.

14. The representee's proposal for the site to be designated for housing is based on the access to the proposed retail and business/tourism uses being taken through a housing area as unsuitable. I understand the concerns about this. However the site is small at 0.7 hectares, so any development on it is likely to be restricted in scale, with correspondingly low traffic generation. The council's Road's Officer has therefore stated that there would not be any difficulty in the access being taken from the housing development on site BE1.

15. Drawing THC BE3/1 shows that the length of road involved, taken from the distributor road through the proposed housing development to the entrance to site BE3, would be short at some 90 metres (my measurement from the plan). Given the small scale of the site area, and consequent small scale of the development, I am satisfied that this would be acceptable for the use proposed. For this reason I accept the council's proposed modification that the site access be taken from site BE1, and that the use be unchanged.

BE5 Wellhouse

G Simpson Builders (00661), Reynolds Architecture (01626)

16. Circumstances have changed since the preparation of the proposed plan in that there is now reasonable certainty that the link road will be provided through site BE1 past the Fire Station. Therefore provision for this is no longer required through site BE5. For this reason I accept the council's proposed modification. No further modification is needed.

BE7 Fraser Street

Lovat Highland Estates Ltd (04230)

17. It was clear from my site inspection that this site would be an appropriate one for close care housing, assisted living, care home or day centre, given its proximity to existing sheltered housing, central location and potential for safe vehicular and pedestrian access. The amount of traffic generated by such uses would be unlikely to affect existing residential amenity to an extent that would be significant.

18. I have referred above to the potential for replacement allotments to be provided on site BE2, and the council is satisfied that provided this is done the proposed uses would be acceptable. This option was not available when the proposed plan was prepared, but I am satisfied that such provision would release the potential of part of site BE7 for care related development.

19. For these reasons I consider the council's proposed modification should be accepted.

Reporter's recommendations:

It is recommended that:

1. The last sentence of paragraph 4.31 be deleted and replaced with: "Whilst sufficient capacity currently exists at Assynt Water Treatment Works and Muir of Ord Waste Water Treatment Works, the cumulative impact of all proposed development within the plan makes it necessary for early engagement to take place between developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."

2. Under the requirements for site BE2, in the second paragraph new third and fourth sentences be added to read: "Provision of equivalent allotment area to compensate for any reduction of allotments on site BE7. Must be provided prior to commencement of development on site BE7."

3. Under the requirements for site BE3 the words: 'Access to be taken from existing Fire Station access' be deleted and replaced with: "Access to be taken from BE1".
4. Under the requirements for site BE5 the words: 'Link road connecting to adjacent housing site and A862' be deleted and replaced with: "Provision of active travel connections between sites BE1 and BE5;".
5. Under the uses for site BE7 the words: 'Allotments' be deleted and replaced with: "Community (Residential Institution/Non-Residential Institution/Allotments)".
6. Under the requirements for site BE7 the words 'Safeguarded for existing use' be deleted and replaced with: "Provision of day centre or care home and directly associated small scale development of close care or assisted living units. Mainstream housing will not be supported. Retention of proportion of site for allotment use; compensatory allotment provision equivalent to those lost to alternative development to be provided on site BE2 prior to commencement of development."

Issue 19	Nairn	
Development plan reference:	(Para 4.32, Page 63)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Nairn River Community Council (00310) Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311, 01223) Nairn West Community Council (00365) Scottish Water (00396) Highland Small Communities Housing Trust (00430) Laurie Fraser (00561) Joan Noble (00879) W MacLeod (00912) Sainsbury's Supermarkets (01003) Wm Morton Gillespie (01010) John Gordon & Son (01031) Ronald Gordon (01194) Mr & Mrs Nicolson Househill Mains Farm (01202) Charles Allenby (01232) Scott Macdonald (01248) Cawdor Farming No.1 Partnership (01264) Scotia Homes, Barratt East Scotland & Robertson Homes (01310) L G Kerr (01837) Kenneth Mackenzie (01861) Scottish Government (03642) Angela Boyle (03940) Colin Young (03948) Gavin Mackintosh (03966) Gary Black (03996) Alison Miller (04014) Jane Reid (04023) John Reid (04024) Alexander Thomson (04027) Brian Morrison (04032) Archie Vallance (04033) Heather Corran (04042) Charles Black (04103) Des Scholes (04104) Gillian Cruickshank (04106) Mark Connolly (04118) N Pead (04120) Springfield Properties Plc. (04128) Douglas Inglis (04138)</p>	<p>Cawdor Maintenance Trust (04215) Nairn West, River & Suburban Community Councils - joint comments (04216) Clifford Cooke (04222) Hamish Clark (04225) Dean Clark (04226) Rhonda Dawson (04228) Murial Greig (04242) Brian Cruickshank (04264) Scott Johnstone (04271) Nigel Hanlin (04274) Steven Jack (04276) Roddy Mackellar (04298) Paddy Maher (04308) Stewart Morrison (04313) Hazel Morrison (04314) Ferdinand Maylin (04317) William Wright (04339) Michael Green (04354) Nairn Kayak Club (04359) Ian Nalder (04362) Woodland Trust (04364) Woodville Owners Association Nairn (04368) Social Housing Providers in Highland (04381) Jessica Torok (04384) Ronald Tunstall (04387) David Vass (04388) Alexander Webster (04391) Shona Wescott (04392) Alec Barden (04397) Elizabeth Fraser (04404) Robert Sawers (04442) George Sutherland (04446) James Somerville (04458) Thomas Wright (04460) Doreen Wright (04461) Russell Greg Brindle (04464) John Flett (04473) Prof G Sutherland, Dr R Sawers & Mrs E Fraser (04477) Scottish Council for Development and</p>	

Fraser Macpherson (04140) Allison Thomson (04142) Soudley Research Ltd (04158) Doreen Callaghan (04161) Vivian Hardie (04171) Richard Mobey (04172) Calum McLean (04176) Rick Stewart (04181) James Cairns (04183) Kathleen Grant (04188) David Munro (04189) Arthur and Sheila Masson (04190) Jane Patience (04193) Charles Andrews (04202) The Association of Nairn Businesses (04204)	Industry (04485) Alasdair MacIannan (04486) Janet E Mackenzie (04488) K F S Mackenzie (04489) Elspeth McLean, Save our Showfield (04497) Kenneth Mackenzie, Save our Showfield (04498) David McLean, Save our Showfield (04499) Hazel Sime (04507) R & A Morrison (04513) R & J Marsh (04516) J. Pullinger (04519) William Whyte (04523)
Provision of the development plan to which the issue relates:	Nairn
Planning authority's summary of the representation(s):	
<p>Given the cross-settlement nature of many of the representations received, all Nairn comments have been retained within a single Schedule. However, to aid clarity issues have been sub-divided into sections indicated below.</p> <ul style="list-style-type: none"> • General • New sites previously considered • New Sites not previously considered • Nairn – Allocations NA1 to NA7, NA10, NA11 and NA13 • NAIRN SOUTH ISSUES NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion 	
<p><u>General</u></p> <p><i>Plan involvement and preparation</i></p> <p>Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311), Joan Noble (00879) - Nairnshire Community Councils (NCC) are committed to working in partnership to empower our community, develop locality capacity and improve our locality planning process. Keen to use this opportunity to change government policy to develop a very efficient locality planning and delivery system for this or any locality. Submit this as our suggested best way forward in response to IMFLDP and if necessary the prioritisation of Nairnshire's part of the IMFLDP deliberations in front of any reporter. Consider we use the corporate memory and pool of expertise in Nairnshire to model a new way of ensuring Community engagement, and therefore responsibility and accountability for our next Nairnshire Plan and build have confidence and trust that the decisions are being made for "The Common Good" and in Nairnshire's best interests. Decision making for planning and development must return to local Community level where there are competent organisations and Councillors with a wealth of local knowledge and understanding. This is the basis of the new Community Empowerment and Renewal</p>	

Bill and the recent COSLA Report.

In planning terms suggest that the plan is for 2015-2020 and be pragmatic and realistic. [00879 NA-GEN5, Population and housing analysis and graphs] Infrastructure must be in place and funded before any development is approved. Before the next plan for 2020-2025 there will be a review in the light of the financial situation. CC's consider there is a need to review the population data, housing need data and housing completion data before the next 5 year plan. The Highland Council (THC) are to deliver best practice to ensure proper scrutiny of Transport Data, this policy put in place to restore public confidence on transport infrastructure. THC must also review its scrutinising role with the other departments and agencies involved in planning, again with a view to restoring public confidence and trust.

Plan process

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Believes that the "call for sites" and subsequent inclusion of sites in the Plan should not be seen as a guarantee that Planning Permission 'in Principle' or 'in Full' will be granted. Each case will still have to go through the full process of consultation.

Neighbour notification

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - The receipt of neighbour notification letters from Highland Council for properties within 80m of a "call for sites" has led to the belief that a new Planning Application is imminent.

Community Council proposal

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Propose that HC and the Scottish Government work in partnership with Nairnshire to develop this model for our sustainable and exciting future. NCC should meet quarterly with the 4 Local councillors, Business/Tourist, Health and Social integrated team/social enterprise company. Need to ensure we are ahead of the loop and maximise use of local knowledge and skills to bring forward best value for money proposals. The local scrutiny role will ensure that all agencies are delivering the whole range of quality local services we wish to see. Requirement for 3 Project Managers to give the capacity to develop and deliver these exciting plans.

Town Centre Regeneration

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Town Centre regeneration, consider that a partnership approach is required to make regeneration happen. A variety of business and community bodies all consider the need for a dedicated Project Manager to drive the clear prioritisation for improvements to the Town Centre/High Street shopping/jobs and achieve regeneration in this 5 year plan in line with "Place worth" thinking. Believes any further out of town centre development should be considered in the review and thinking about the 2020-2025 plan. NCC consider that the Harbour Development/River /Beaches (the best beaches in Scotland)/Tourism/Leisure and Recreation/Paths CC's want to take forward these exciting proposals and think again it will provide a significant sustainable boost to the Nairnshire economy this again requiring a Project Manager dedicated to driving this forward.

Nairn West Community Council (00365) - Believes that the Plan text should highlight more clearly the importance of safeguarding and enhancing Nairn's natural, environmental and heritage assets the need for town centre regeneration to be locally driven and to cover the whole of the centre, High Street and Harbour area. Greater emphasis needs to be given to the creation of safe cycleways and paths, both as alternatives to the car, with dedicated and networked routes into and through the town to access open spaces, the coast and the rural hinterland for recreational purposes.

Nairn Housing Developments

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Community Council wish to ensure that we can meet Nairn's housing needs from 2015-2020. Our position is clearly that the infrastructure must be in place and affordable before any housing goes ahead. House development It should also be meeting real local need and conform with the SPP/NPF3 guidance and that we hand over an attractive sustainable town to future generations. Consider these housing needs can be met at Lochloy on existing zoned land, town centre, Sandown, farmer's field, Achareidh and Nairn infill sites. We wish to work with HC to make sure we balance housing needs with keeping Nairn an attractive place and supporting our major tourist industry. We also must not put one of our other major employers -Gordon's Sawmill at risk. Need to review all other sites and need for sites for the 2020-2025 as agreed above.

General Support – Spatial Strategy

Barratt East Scotland & Robertson Homes (01310) - Supports the Spatial Strategy shown on Map 1, which illustrates that Nairn is a key town where the IMF Proposed LDP identifies significant housing within the Local Development Plan (LDP) growth period. The IMF Proposed LDP identifies that it aims to concentrate development on existing settlements, create sustainable new communities, provide the infrastructure and transport network required to support these communities whilst ensuring the area's most valuable built and natural assets are protected. It is considered that the land identified in Appendix 1, which is in the control of the consortium, can fulfil both the spatial strategy and its stated objectives.

Scale of Housing Requirements, Phasing and Infrastructure

Archie Vallance (04033), K F S Mackenzie (04489), Joan Noble (00879) - Object to proposals for development of Nairn and its future as a dormitory of Inverness. Local demand for housing; inadequate supply of jobs now or in the future to meet proposed growth. Further housing does not equate with the aspiration to promote Nairn as a tourism destination as will allowing the High Street to fall into disrepair, the character of Nairn should be retained. Access to the town centre by foot and car essential. Seeks organic growth not high density housing. Job creation can trigger delivery of housing, adequate existing housing supply in Inverness. Nairn requires green buffer to the bypass route. Proposed figures for housing in Nairn, 1500 by 2021 are unrealistic, proposals at Sandown, Lochloy and Delnies and those unsold houses give approximately 1350 dh without Nairn South. Region of 4000 extra population, where are jobs to be found in Nairn. Concerned about access in and around Nairn, existing and growing problems at Lochloy/Forres Road (A96) jct; new bypass proposed will not change the existing road network. [00879 NA-GEN5, Population and housing analysis and graphs]

Nairn River Community Council (00310) - Object to the provisions of the Plan and the allocation of land for almost 1900 houses, consider these excessive and beyond what

Nairn will be able to absorb. Proposed developments will add to the already existing traffic problems, with the Nairn bypass and A96 duelling being a major issue. There is a need for a speedy solution and linkage to Nairn especially the sites at Nairn South, where the current proposed solution is for the provision of traffic lights which will not contribute to traffic flows within the town in general. Concerns exist over the sewage and water supply problem as already indicated in the Plan. Consider that population growth and economic growth needs to be in tandem as indicated in the 2006 Halcrow Report to the Council, "It is essential that the opportunity for economic development in Nairn matches the overall aspiration for growth. There should be a clear balance between population growth and economic growth over the long term."

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Statistics for numbers of houses required for Nairn, Auldearn, Cawdor, Croy, Tornagrain (Petty), Ardersier and possibly Whiteness Head (9,600 + ? 2,000) for the so called "growth corridor" are unrealistic and destined to destroy the whole character of the area. It is an area of outstanding beauty and scenic attraction with Marine, Environmental, Geological and Built Heritage designations.

John Reid (04024) - Development and growth requirements are significantly less than a few years ago and growth will be slow and limited.

R & A Morrison (04513), J Pullinger (04519) - More sensible to build closer to Inverness where jobs are likely to be available, consider the development at Tornagrain is adequate to meet needs

Nairn West, River & Suburban Community Councils - joint comments (04216) - Objects to existing Plan and scale of growth as infrastructure improvement has not kept pace with the growth of the town and the traffic and there have long been difficulties of congestion and access because the A96 (T) runs through the town.

Muriel Greig (04242) - Object to proposals for 2,000 houses to be developed, without new roads, additional Dr/dental/schools. Services and infrastructure already overstretched, waiting times are terrible. Cannot just throw up houses and bring +/- 6,000 people in without addressing our already, hopeless roads and services.

Brian Morrison (04032) - Nairn in itself has insufficient services, poor school quality and council services are already stretched.

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Finance invested and resulting from development will be drawn out of the area by national developers, supermarkets or companies.

Priority of provision of bypass

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311), Joan Noble (00879) - The community Council indicates its priorities for the next 5 year plan, ensuring that we deliver a sustainable future for Nairnshire in line with NPF3 and SPP proposals and completion of the A96(T) bypass is considered fundamental to any realistic planning for Nairn. Nairn cannot support the volume of housing proposed without a bypass and other improvements because the existing road network is wholly inadequate and the accident record on the A96 very poor.

Nairn West Community Council (00365) - It is in the interests of both local community and prospective developers that the route, delivery and timing of the bypass are confirmed before developments are approved, to ensure that access and transport capacity issues are fully addressed before development proceeds and that infrastructure keeps pace with development rather than having to catch up afterwards or be retrofitted.

Michael Green (04354), Scottish Council for Development & Industry (04485) - The proposed Bypass is the number one priority for Nairn.

Water and Waste water infrastructure and capacity

Water Supply

Scottish Water (00396) - Scottish Water believes that with the availability of the large water mains extension at Whiteness and the overall potential of Loch Ashie (and other augmenting sources) it is important to state that there is current capacity. Whilst the requirement for additional capacity at the Waste Water Treatment Works is closer on the horizon, we feel that reinforcing the message of available capacity and the process for planning is important.

Waste Water Network Requirements

Scottish Water (00396) - Scottish Water believes that a minor text addition will ensure developers are aware of the potential requirement for network investigation and mitigation with significant development focussing on the edges of the settlement and connecting to well established housing and their networks

Joan Noble (00879) - Inadequate Nairn sewerage capacity in terms of combined sewer overflow capacity which pollutes Nairn River and the bathing water beaches.

Impact on natural heritage and tourism

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Land use in the "growth corridor" is agricultural with a southern zone of woodland, which has a long history of well managed broadleaved and coniferous species. The IMFLDP must not detract from these important primary land uses which generate local retained wealth and employment as well as Community Structure and Stability. The IMF has a unique environment which has to be carefully managed for posterity, short scale development proposals have to be in scale, carefully considered and for the benefit of the community, most of the schemes proposed do not. Development proposed is likely to spoil the main tourism assets of the Moray Firth Area and there is a tremendous potential to concentrate on developing all aspects of visitor enjoyment, dependent on retention of these main assets, which we have inherited.

R & J Marsh (04516) - The Plan should concentrate on the natural, locational and tourism assets of Nairn to exploit the potential to encourage appropriate investment for jobs creation; This would decrease the need for residents of Nairn to have to travel for employment with benefits for traffic levels and also "green" issues.

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Nairnshire and its links to Nairn as its County Town - Greater Nairnshire with Ardersier/Fort George/Castle Stuart/Croy/Kilravock Castle/Cawdor/Cawdor

castle/Auldearn and all its history/Glenferness/Dava/Lochindorb/Wolf of Badenoch's Castle)/Logie/Findhorn and Culloden and Brodie/Brodie Castle just outside are fabulous tourist and local attractions. Need to maximise the tourist and leisure and recreation opportunities that all these assets give us. In building the necessary bypass for Nairn we must carefully plan the local roads and routes including public transport to ensure the vital synergy between Nairn and its county. Any housing developments in Nairnshire must prioritise local need and not put at risk our beautiful and historic communities and their invaluable tourist assets.

Nairn Harbour

Nairn Kayak Club (04359) - Believes that Nairn Harbour plays an important social and economic role and is seen as a strategic asset in the future development of Nairn as a regionally important tourist location. Nairn Harbour has a commercial function which needs to be safeguarded from inappropriate development/uses of the harbour area. Both the Sailing Club and Kayak Club have ambitions to develop the Harbour Environs as a regional and national important training venue for dinghy sailing and kayak sprint racing, which will require the provision of new facilities within the harbour area and we would wish the plan to supports these ambitions. [04359 NA-GEN3/1, Location plan supplied]

New sites previously considered - Fort Reay

W MacLeod (00912) - Objects as Plan has failed to identify land at Fort Reay, Sandown Farm Lane, Nairn. The Land at Fort Reay should be identified within the LDP for development. It is ideally located to accommodate development lying within 400m of existing public transport routes and services complying with guidance contained within paragraphs 38, 39 and 168 of Scottish Planning Policy (SPP). Development of land at Fort Reay will also maximise opportunities offered by the development of both NA6 and NA4 Sandown. Considers concerns regarding retention of trees and flood risk can be addressed. Land is already identified, within the Sandown Masterplan, as having future potential for infill upon development at Sandown. Linkage to Sandown will bring improved transport connections. Site offers flexibility in a smaller scale site free from significant infrastructure requirements and providing choice to the housing market.

Fort Reay is also located in close proximity to the A96 which provides links to Inverness, Forres and Elgin. Development at Fort Reay would support falling primary school rolls. . Paragraph 5 of SPP emphasises that the Scottish Government believes strongly in the value of forward-looking, visionary and ambitious plans that will guide development. As noted above, following the development of NA4, land at Fort Reay will form an infill site. Lying within the settlement boundary the site lends itself well to development.

New sites previously considered – Househill

Mr & Mrs Nicolson, Househill Mains Farm (01202) - Objects to the non-inclusion of land at Househill Mains Farm [location/framework maps supplied 01202 NA1/1]; farm has diversified and parts of farm are compromised by flood risk and potentially by the proposed by-pass and A96 improvements, diminishing workable areas of the farm limiting its farming future. The Main Issues Report (MIR) contained land at Househill for Mixed Use and Community uses, with the MIR sites MU6 and C1 indicated as “preferred” sites, these were subsequently not included within the Proposed Plan.

Consider sites have not been considered consistently and although appreciating the number of large scale sites on the fringes of Nairn consider that Househill lands seem less constrained than most of these options. Househill is better connected to the existing main road, public transport and path networks to the north than the Nairn South allocations H8 and H9 and has the best prospect of achieving an access from the future Nairn bypass. Househill land contained currently contained within the Plan extends to land for a cemetery extension south west of Granny Barbour's Road at Grigorhill, under NA10 and the lower north western fields between the river and the A939 road, but with no designated use.

THC response to MIR submission indicated that MU6 requires major road improvements to the access to the site with any development, including that prior to the development of the by-pass and a Transport Assessment to support the principle of development in this location. Note similar response is not made for the allocated land at Nairn South, despite poor access to the main road network that subsequently led to refusal of the planning application for 319 houses.

The Councils consideration that Househill has potential to serve the growing needs of Nairn beyond the timescale of the Plan, does not transfer through to the text of the Proposed Plan, unlike for similarly considered land at Tain and Tore.

Transport Scotland will confirm the route of the Nairn bypass and access to it during the course of 2014, which together with an allocation for Mixed Uses will help our clients plan ahead with more certainty for the future management of the farm.

Therefore, seek the inclusion of land allocations at Househill for the mixed use development and community uses.

New Sites not previously considered – Delnies

Cawdor Maintenance Trust (04215) - Full support is given to the mixed-use site allocation reference NA6 Delnies on Page 66 of the Plan. There is also no objection in principle to the site allocation reference nos. NA8 Nairn South and NA9 Nairn South (long term) on Page 67 of the Plan. However, in the event that there is an issue with housing units being delivered out of Nairn South in the short to medium term as well as in the longer term on account of the well documented transport/access/network capacity issues associated with it, flexible consideration should be given in the Plan to allowing land west of Delnies to come forward to address the likely resultant shortfall in the housing land supply. Such narrative could be inserted at the end of Paragraph 4.37 on Page 64 of the Plan.

Cawdor Farming No.1 Partnership (01264) - Believes that the Plan should allow development west of and adjacent to Delnies should development at Nairn South (NA8 and NA9) be constrained from development. Considers that this will allow the Council to meet its land requirements should the development at South Nairn be restricted due to the access issues that have been documented in para 4.37 of the proposed plan and in the adopted Highland-wide Local Development Plan paragraphs 14.12.1 and 14.13.1.; The land at Delnies to the west of NA6 is in a relatively advantageous position with regards to access being situated adjacent to the A96 (T) and could be developed without the need for a bypass and scope for additional development to the west of NA6 at Delnies is identified in the adopted Highland-wide Local Development Plan (Policy 17) and indeed the plans for the NA6 allocation currently being prepared allow for potential further expansion to the west.

New Sites not previously considered – Torwood

Alec Barden (04397) - Proposes land holding at Torwood could be appropriate, subject to suitable environmental assessments, as a suitable alternative to NA1 Former Showfield for these additional housing units.

Nairn – Allocations NA1 to NA7, NA10, NA11 and NA13

NA1 Former Showfield East

Alexander Thomson (04027) - Objects to the allocation at the Showfield, it is a very important amenity greenspace and is recognised within the Highland Greenspace Audit 2010 recognizes it as such. Nairnshire Local Plan (Adopted 2000, continued in force 2012) identifies the Showfield as primarily being kept as open green space for the community with the potential for a small development of 8-10 houses on 0.6ha of land at the south eastern end of the Showfield. Included the retention of pedestrian access and recreational areas protected through a S75 legal agreement. Current proposal in Plan to build 30 houses and develop half the area of the Showfield does not have a requirement for a formal Section 75 agreement only a general comment that it should be retained as greenspace used as a reconfigured dedicated fenced off football pitch and pavilion with only a very narrow strip of greenspace left round the outside of the pitch insufficient to satisfy the important amenity role. The omission of a requirement for a S75 allows any developer far too much leeway. In the case where the developer collapses or decides to wind the company up there would be no formal restriction on the use of the remaining part of the Showfield.

Open space should be protected as stated through Scottish Planning Policy, PAN 65 Planning and Open Space in paragraph 37. Policy 75 of the HwLDP states that the Council will safeguard existing areas of high quality and fit for purpose open space and that any development of 4 or more houses will be required to provide additional publicly accessible open space. Policy 76 states that the Council will safeguard playing fields from development so clearly both policies cannot be met under the current proposals for the Showfield. Consider that given existing policy national and regional the IMFLDP should not propose development of the Showfield open space and should be retained as a mixture of amenity open space and a football pitch. If any development is allowed on the Showfield then it should be restricted to the 8-10 houses with all the requirements contained in the Nairnshire Local Plan (Adopted 2000, continued in force 2012).

Gillian Cruickshank (04106) - Objects to loss of green space, loss of bird habitat also general recreational space and for St Ninians football club. Loss of view to existing residents and increased congestion prevent timeous journey times.

Douglas Inglis (04138), Elspeth McLean, Save our Showfield (04497), Doreen Callaghan (04161), Elspeth McLean, Save our Showfield (04497), Kenneth Mackenzie, Save our Showfield (04498), David McLean, Save our Showfield (04499), Nairn West, River & Suburban Community Councils - joint comments (04216), Paddy Maher (04308), Nairn West Community Council (00365), William Whyte (04523), Janet E Mackenzie (04488), K F S Mackenzie (04489), James Somerville (04458) - Object to loss of green space for recreation and exercise, remaining space would be too small. Local traffic congestion is and will be an issue, especially since the installation of traffic lights. Traffic safety an issue especially for the young. Development would struggle to fit with the existing period houses

and would diminish character of the area.

Need to consider option for the Council, as custodians of the Common Good, to do a deal whereby they accepted the Showfield into the Common Good in exchange for a suitably-sized part of the Sandown Common Good land, given to the farmers (perhaps with some associated financial arrangement) and designated specifically for use as a new Show venue.

Objects to allocation as stands, this long-established open site is highly valued by the community as a recreational amenity. There is a strong belief that – given the scale and volume of housing already approved and allocated around Nairn – the allocation of half of the field to provide only an additional 30 houses is a disproportionate loss of green space for a minimal gain in housing stock. The predicament of the Farming Society is however recognised. There is a need to consider option for the Council, as custodians of the Common Good, to do a deal whereby they accepted the Showfield into the Common Good in exchange for a suitably-sized part of the Sandown Common Good land, given to the farmers (perhaps with some associated financial arrangement) and designated specifically for use as a new Show venue.

Alec Barden (04397) - Objects to the Nairn Showfield being developed as it plays an important part in the green space provision within the town and whilst no longer appropriate for the agricultural show the land is still well used by local sport teams and for general recreation provision. The Showfield would benefit from some environmental improvements works, including landscape planting and play park provision and the objector understand this might best be achieved by the land owner developing part of the site for residential development; increased the level of the residential development to a degree which is excessive given the importance of the green space and restrictions of road network access. Believe the housing unit number should be reduced and other land identified within the town boundary. Proposes land holding at Torwood (see attached plan) could be appropriate, subject to suitable environmental assessments, as a suitable alternative for these additional housing units.

Charles Black (04103), Fraser Macpherson (04140), Allison Thomson (04142), Richard Mobey (04172), Calum McLean (04176), James Cairns (04183), Kathleen Grant (04188), David Munro (04189), Jane Patience (04193), Kenneth Mackenzie (01861), Shona Wescott (04392), David Vass (04388), Scott Johnstone (04271), Clifford Cooke (04222), Ferdinand Maylin (04317), Alexander Webster (04391), William Wright (04339), Woodville Owners Association Nairn (04368), Nairn West Community Council (00365), Brian Cruickshank (04264), Jessica Torok (04384), Nigel Hanlin (04274), L G Kerr (01837), Elspeth McLean, Save our Showfield (04497), Kenneth Mackenzie, Save our Showfield (04498), David McLean, Save our Showfield (04499) Paddy Maher (04308), Doreen Callaghan (04161), Hazel Sime (04507)

- Loss of valued green space used by the public for general recreation and football pitch to St Ninian's Football Club.
- Restriction on title preventing development of housing without consent of Viscount Finlay of Newton or successor, no previous consent has been granted.
- High density housing development proposed not appropriate and out of keeping with adjacent.
- Of the total number of houses proposed for Nairn the loss of 30 units would not be significant to land supply.

- Concerned regarding the detrimental impact to local residential roads, this development combined with increased flows to the primary schools and relocated GP surgeries leaves road network struggling with volumes of traffic.
- Support the relocation of the showfield on the basis that the site remains green space. The Highland Council previously stated in 2000 the showfield's importance as a structural open space derived from its use, its scale and position.

Des Scholes (04104) - Object to the proposal to put houses on the Showfield in Nairn. This would be an unacceptable trade off for a piece of common good land in Sandown. Nairn has to keep its established green spaces.

W MacLeod (00912) - Objects to NA1 and seeks inclusion of land at Fort Reay as a substitute. Scottish Planning Policy states clearly in paragraph 149 that 'Planning Authorities should support, protect and enhance open space'. Transferring the allocation to Fort Reay, which is deliverable in the short term, would contribute to the housing land requirements stated in the Highland wide Local Development Plan (HwLDP) and secure the Former Showfield (NA1) as open space. The loss of this land is not only detrimental to the local community, but directly contravenes Scottish Planning Policy (SPP). The Highland Greenspace Audit 2010 explains that there is an undersupply of provision for children and teenagers in the form of play areas. NA1, being identified as a public park and garden within a residential area is ideally located to accommodate play facilities thus meeting the shortfall in provision. Consider that land could be made available within the expansion areas to the west (NA4 and NA6) or south (NA8 and NA9) of Nairn to accommodate the Nairn Show.

NA2 South Kingsteps

Scott Macdonald (01248) - Objects to development of site NA2. The houses are not required, demand can be met in more appropriate sites west of Nairn, The site is not appropriate as it is on the opposite side of Nairn from Inverness and will increase existing congestion problems in Nairn. Lochloy Rd cannot accommodate any additional traffic above the existing levels. Development will impact on the burn adversely.

Considers there is no requirement for the allocation at NA2, projected demand for housing in Nairn is a gross over estimate. Indicative 90 home site capacity appears to be derived from a transport assessment and not an assessment of appropriate housing density for the site. Density does not reflect densities of adjacent sites. The transport study did not take account of true traffic movements or growth in traffic movements from the adjacent Lochloy development and has overestimated capacity. Access should be taken through the Lochloy development as this has higher capacity and presents a safer option to Lochloy Road.

Development on the site along with possible modifications to the burn and greater run-off from development is likely increase flood risk to existing properties. The burn, trees, banks, and the narrow field to the north should be protected as they provide a natural wildlife corridor and amenity between existing properties and the new development. Arguments similar to those that defeated the application to develop Nairn South dictate that a significant development in East Nairn accessed via Kingsteps/Lochloy Rd does not make sense with the bulk of commuter traffic from east of Nairn going through or around Nairn on its way west. Traffic congestion and back road rat-run safety issues have not been considered adequately. Prior to delivery of the bypass the obvious location for development of Nairn is to the west.

Mark Connolly (04118) - No objection to the principle of development but the proposal appears to take access from Lochloy Road. Road is currently too narrow to accommodate even existing traffic further traffic will be excessive. Road has insufficient passing places, steeply inclines and suffers from freezing conditions. Consider access to the development should be taken through the current development area at Lochloy (NA5).

Rick Stewart (04181), Arthur & Sheila Masson (04190), Stewart Morrison (04313), Hazel Morrison (04314), Doreen Wright (04461), Vivian Hardie (04171) - Objects to the scale of development proposed which will compromise the existing hamlet of Kingsteps. The road to serve the development has no capacity for development of this scale and is utilised heavily for recreational purposes, consideration should be given to using existing access through Lochloy development. There is a highlighted need for improvements to the existing water and waste water supply network. The development of the number of houses identified will have an impact on the drainage of the area and will lead to flood issues. The Plan also highlights the potential impact on natural heritage in the area. The existing Nairn Local Plan identifies the potential for consolidation of development in keeping with that existing; the proposed site indicates capacities that will be far in excess of that currently either at Kingsteps or the existing Lochloy development. Consider the proposal as overdevelopment and other sites in Nairn offer better alternative.

Charles Andrews (04202) - Objects to allocation in current form and seeks reduction in area of the site to only include land south of Kingsteps Burn to allow separation from Kingsteps with the inclusion of a requirement for planting of structural tree buffer to the south of existing development at Kingsteps. Issues exist with the road to the east of Kingsteps and access would be better provided from the existing Lochloy development (NA5).

Nairn West Community Council (00365), Nairn West, River & Suburban Community Councils - joint comments (04216) - Objects to allocation in the Plan, the rounding-off of the settlement is no justification for development on green amenity space and watercourse; building on this site will have implications for drainage of the wider area. Higher density development would alter the character of the area. The extent and capacity of other allocations in the settlement renders this allocation superfluous. Access to the site is critical, capacity of the minor road to Brodie is limited and utilising the existing Lochloy development access is inappropriate as it only has one access, also combined with a direct link to the Lochloy-Brodie road would cause a "ratrun". The road from the A96 is the sole access to the area and experiences issues at its junction whereas eastwards travel along the Brodie road provides limited access. Development in this area should not progress until delivery of the new bypass and provision of an eastwards access to it.

Steven Jack (04276), Roddy Mackellar (04298) - Objects to the scale of development proposed which will compromise the existing hamlet of Kingsteps. The road to serve the development has no capacity for development of this scale and is utilised heavily for recreational purposes, consideration should be given to using existing access through Lochloy development a transport assessment of current and future impacts will be required. There is a highlighted need for improvements to the existing water and waste water supply network. The development of the number of houses identified will have an impact on the drainage of the area and will lead to flood issues. The Plan also highlights the potential impact on natural heritage in the area. The existing Nairn Local Plan identifies the potential for consolidation of development in keeping with that existing; the proposed site indicates capacities that will be far in excess of that currently either at Kingsteps or the existing Lochloy development. Consider the proposal as

overdevelopment and other sites in Nairn offer better alternative.

Ronald Tunstall (04387) - Objects to the allocation at NA2 South Kingsteps, consider the proposed density out of keeping; increase in traffic generated will require road widening at developers cost, access point is at a blind summit so an alternative should be investigated; the burn on-site would need managed as well as improved sewerage to serve the development. Consideration needs to be given to the identified badger habitat.

Rhonda Dawson (04228) - Objects to allocation and access proposed, Lochloy Road is restricted in width, with several bends and poor visibility, further traffic would increase accident risk. Developer should be required to finance and construct new access road prior to planning permission being granted. Consider that given congestion already in Nairn no further permissions for housing should be granted until issue is resolved.

Dean Clark (04226), Hamish Clark (04225) - Objects to site NA2 South Kingsteps. Traffic congestion on Lochloy Road is particularly bad at the junction of the A96 (T). A separate new road connection should be provided to the A96 (T), the proposed access to the single track Lochloy Road is unsuitable. Lochloy Road forms part of the National Cycle Network is utilised by cyclists, agricultural vehicles, school bus and horse riders from the nearby stables. Alternative would be from the Lochloy development (NA5). As adjacent to existing Kingsteps development densities should reflect those existing as indicated in Scottish Planning Policy.

L G Kerr (01837) - Objects as development has already over-loaded the Road and traffic trying to get on to the A96. Before development at NA2 can be considered there needs to be a By pass or a Road Bridge over the railway to provide a second exit from Lochloy. 90 houses would be a gross overdevelopment of this small field.

Steven Jack (04276), Wm Morton Gillespie (01010) - Objects to the proposed site NA2 from the IMFDLP on the grounds that; the proposed development of 90 houses adjoining a rural settlement contravenes the Scottish Governments Planning Guidelines relative to rural settlements and represents over-development of the site; the proposed access to the site is unsuitable and does not meet the Highland Councils own standards for access to a development of the type and size proposed and will impact on current road usage by walkers, horse riders, forestry operators, adjacent caravan site, commercial nursery and others; also objects to potential impact on local wildlife and increased flood risk.

Robert Sawers (04442), George Sutherland (04446), Thomas Wright (04460), Prof G Sutherland, Dr R Sawers & Mrs E. Fraser (04477), Elizabeth Fraser (04404) - Objects as the inclusion of the Site NA2 is premature in the context of the existing infrastructure constraints in the location, particularly vehicular access. Considers that the site is not effective in the absence of an alternative access and although appreciate the plan is looking towards the longer timescale, this site should not be included as part of the land supply.

Site is landlocked save for narrow strip of land identified as providing access. Lochloy Road to the west of that point is narrow, has a number of tight bends and no footpath provision. Additional traffic would exacerbate traffic safety concerns in regard to conflict with vehicular, cycle and pedestrian traffic.

Various factors impact on the development potential of this site including; history of flooding on site, lack of capacity in the waste water treatment plant, these along with the

other factors mentioned diminish the prospect of the site being effective within 5 years. Planning Advice Note 2/2010 Paragraph 55 - Site NA2 cannot be considered to be effective in terms of the Advice set out in the Note as a consequence of the existing constraints and the absence of an effective strategy which has the reasonable prospect of removing those constraints within the lifetime of the Proposed LDP. The inclusion of Site NA2 does not assist in providing a realistic picture of the available land supply.

Doreen Wright (04461) - Objects as plan is of too a high density for a semi rural area. It is a higher density than any other proposed development plan for Nairn. Development site is subject to flooding, requires retention of the burn, to drain the land and retain natural environment for wildlife. Seeks a buffer zone between development and Kingsteps. A development of 20 houses would be acceptable.

Laurie Fraser (00561) - Objects as there should be no further housing built to the east of Nairn until the transport links have been improved. This means a road from the A96, Balmakeith, over the railway line to link in with the current development being proposed.

NA3 Achareidh

Alison Miller (04014), Colin Young (03948) - Seeks further information regarding indicative capacity for a large site, potential for increase in numbers of houses and potential access and layout of proposal.

Angela Boyle (03940), Gavin Mackintosh (03966) - Objection to development on green space NA3-Achareidh Impacts negatively upon the green space and beauty of Nairn which is a major part of attracting tourism to the area. Also displays utter disregard for the wildlife and notifiable species e.g. red squirrel, deer

W MacLeod (00912) - Objects to site NA3, it has been allocated since as site reference S2 in the Nairnshire Local Plan 2000. No development proposals have come forward during the interim period and consider that the site is not effective. As per guidance contained in Scottish Planning Policy Highland Council should 'focus on what has changed, for example the extent to which key assumptions remain valid, whether land allocations have proved viable' (paragraph 20). The allocation should be removed from the Plan and the allocation transferred to land at Fort Reay which is deliverable in the short term.

Ronald Gordon (01194) - Objects to the capacity of the site as 6 houses as this bears no understanding of its potential for development; nor of the masterplan process or the factors that would inform the quality of development and the setting the proponents would aspire to. These include that Achareidh Estate comprises working farm, mature amenity woodland, treed margins, commercial plantations, and a Category B Listed Building and its large, partially-walled garden represent a fine heritage providing a context which will require a high standard of sympathetic design to integrate with it.

The fine heritage provides a context which will require a high standard of sympathetic design to integrate with it. . In order to achieve this, the development would be subject to a masterplan, underpinned by specialist input, providing a landscape capacity approach, an architectural concept and access details, covering the entirety of the estate, avoiding a piecemeal approach. . The site is an integrated part of the town, well located to facilities, connected within 400m of public transport, adjacent to a structural cycle route, within 50m of the national road network, and existing infrastructure, wholly compatible with the principles of "urban sustainability". The site offers important market appeal which perhaps

does not exist elsewhere in the plan area. The Plan offers no justification for the capacity figure; but refers to a “set limit to development”. Such a fixed position is contrary to the masterplan process the planning authority promotes, and is presumptuous of any transport or conservation or other assessment that might inform it. Given the site area the density indicated is substantially lower than other development areas within the Plan and does not consider fully the potential for development of the site.

Factors towards the development of the site should be more fully considered such as the potential for improvement to the A96/Tradespark Road junction to support up to 30 dh at present; the potential for the Nairn by-pass to reduce traffic flows in the town; that there is a choice of access routes to the A96 and towards the town centre - in two directions utilising the existing road network; concerns about “rat-running” through the Tradespark Road/Altonburn Lane network can be reduced substantially by detailed road layout and speed restriction measures; the fields are distinct and different from Achareidh House. Scottish Planning Policy 2010 17. Scottish Planning Policy 2010 (para.110) states that the “SPP, the SHEP and the Managing Change in the Historic Environment guidance note series published by Historic Scotland should be taken into account by planning authorities when preparing development plans...”, there is no indication that the planning authority has done so. The planning authority is pre-empting that assessment of impact, despite having declared that to be the purpose of a masterplan. The land is allocated for housing but there is no justification for a “set limit to development” nor that that limit is 6 houses, either or both would indicate no understanding of the development potential, be contrary to the masterplan process promoted and premature to the evidence that would require to inform the scale and placement of development.

Nairn West Community Council (00365) - Seeks inclusion of need for community consultation, consultation with the community is an explicit requirement and is both a reflection of the new policy approach of Community engagement and empowerment This site is a significant area of green space with a historic listed building and so is of wider importance to the community of Nairn and will be supportive of this site for limited housing, further more dense or extensive housing development would be unacceptable.

L G Kerr (01837) - Support location for the development of housing, as a sizeable area can accommodate an increased level of housing.

Laurie Fraser (00561) - Believes that any proposed development should include the upgrading of Tradespark Road, road widening and a footpath on both sides of the road along with the Altonburn as required.

NA4 Sandown

Heather Corran (04042) - Objects to allocation on grounds that were put forward at the previous attempt to desecrate the Common Good Lands of Sandown. Objections from previous consultation to HwLDP should still be on file; 350 houses are too many. Land could be used for long term employment uses, not speculative building which caused the current economic crisis. Queries what happened to the proposed wetlands project, has it been quietly shelved?

Nairn West, River & Suburban Community Councils - joint comments (04216), Nairn West Community Council (00365) - Considers that the Development Brief requires revision and updating; to avoid any prejudice to, the opportunity for a possible excambion with the existing Showfield (NA1); provide sufficient flexibility to allow for a reconfiguration of the

allocations of land within the site for different purposes. The site is very large and should be subdivided and offered for development in smaller parcels phased over a period of time, to afford local developers and even individuals the opportunity to build and also to ensure diversity of design, architecture and functions across the site. As this is Common Good land, the masterplan should be led by the Trustees (not a developer) and subject to consultation with the community. Given the importance of the watercourse and wetlands, and the general requirement to have regard for the impact of development on landscape and natural environment, these factors should be explicitly mentioned in the requirements.

L G Kerr (01837) - Believes the Sandown Land needs to be developed, it is Common Good Land and should be developed to provide the funding for other projects in Nairn. The site should be split into smaller more manageable sections in order that development can get underway.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy. Area of Long standing woodland has been felled at NH904568. This area has been wooded since at least the first ordnance survey maps. Rehabilitation of this area and exclusion from housing preferred.

Alasdair Maclennan (04486) - Believes that the number of homes should not exceed 350; buildings on the field immediately to the North of Wyvis Road and south of the A96 are restricted to single story; houses immediately to the North of the A96 should be no more than 2 storey. Do not want our house to be devalued as a result of this development and we do not want to see the approach to Nairn blighted by high and unsightly development.

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Sandown/Wetlands/Showfield/Common Good including best use of Common Good Assets/Housing- affordable/sheltered/self build/private, consider there is year round tourist potential in Nairnshire's unique wetlands, including beaches, inter tidal flats and river environments with our winter bird populations. We think we can solve many of our local housing needs between Sandown, town centre and the existing farmers' field.

Michael Green (04354) - Consider Sandown provide the best opportunity for mixed use in Nairn. Owned by the Nairn Common Good Fund, which will assist the development of any proposed mixed use. Development at Nairn South will threaten the viability of our largest employer, Gordon's Sawmill, plus the current traffic infrastructure will not be able to cope with any large scale development.

NA5 Lochloy

Boundary amendment

Charles Andrews (04202) - Seeks reinstatement of boundary of NA5 to reflect that of the Highland-wide Local Development Plan (HwLDP) Site 1 Map 9 to include land to the west of Kingsteps Burn and south of Lochloy Road. Considers that the site can form an infill opportunity between wider development at Lochloy and existing development at Kingsteps; the differences in ownership should not make a difference to land allocations; previous refusal for development on the site on the basis of its amenity role is no longer valid and a new application for this site should be reviewed in that context. [Boundary plan supplied, 04202 NA5/1]

General Issues

Gary Black (03996) - Believes that as the Highland Council is keen to promote a greener community with less use of cars and re-cycling a major issue now in this area that the only access to the A96 is along Lochloy Road. A footbridge across the railway line would enable many who work or wish to use the facilities in Balmakeith Industrial Estate i.e. Sainsbury. A new road to access the A9 would be a major improvement and would cut down congestion at the Lochloy/A96 Understand that a foot bridge across the rail line was on previous development plans in this area.

N Pead (04120) - Considers that dwellings to the north of Montgomerie Drive and immediately south of Kingsteps should be single storey in keeping with the build design of the current homes. New developer has proposed double storey properties to be erected in this particular area.

Springfield Properties plc (04128) - Support this site allocation and its inclusion in the final adopted version of the Inner Moray Firth Local Development Plan.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Believes that the final stage of this extensive development should reflect the need to deliver the essential infrastructure requirements that were placed as conditions on the earlier phases and have not yet been put in place. Principal among these, and to ensure clarity over the wider-area linkages required, access across the railway (at least for pedestrians and cyclists and preferably for vehicles) to Balmakeith and thence to the existing A96 should be identified explicitly. Delivery of this should be not only a precondition for South Kingsteps (NA2 - see above) but a requirement on the Lochloy developers (past and present). It is wrong to transfer the obligation to future developers of the Balmakeith industrial park (NA11).

Social Housing Providers in Highland (04381) - Believes that the housing capacity of allocation NA5, Lochloy is increased. It is believed that there may no longer be a reason to safeguard a site for a new School and therefore it is considered appropriate to increase the housing capacity.

Highland Small Communities Housing Trust (00430) - Believes that to maximise the efficient land use in terms of housing density an increased capacity for housing should be included in the Plan.

L G Kerr (01837) - Lochloy is a good development and the standard of housing being built should be maintained. The lack of infrastructure that has been provided is a poor reflection on the Planning authority and our local councillors, the problems at the Lochloy/A96 junction need to be addressed.

Nairn West Community Council (00365) - Objects to allocation as it is neither acceptable, nor good planning, to permit further development of the remainder of the Lochloy site without ensuring that all the associated infrastructure and other amenities and upgrades are being delivered. The requirement for a crossing (bridge/tunnel?) of the railway is incumbent upon the Lochloy developers. There is no justification for transferring the obligation on to the developers of the Balmakeith industrial area since this access option is for the use of Lochloy residents, rather than Balmakeith businesses.

Laurie Fraser (00561) - Believes that there should be no further housing built to the east of Nairn until the transport links have been improved, requires a road from the A96, Balmakeith, over the railway line to link in with the current development being proposed.

NA6 Delnies

Jane Reid (04023) - Nairn West provides better access to Inverness, surely the only source of employment for the potential home owners. There is no impact upon industry; no bottlenecks with the railway bridge, no additional traffic congestion twice a day through the town. There is also room for infrastructure improvements in that direction - shops and a new primary school which will surely be needed. It also does not require the by pass to be constructed before it becomes feasible.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Priority use should be tourism, recreation and public open/green space, as foreseen in the previous Local Plan, and as in the landowner/developer's own masterplans, which indicated "leisure/tourism" allocation and facilities. If housing is to be included, this should be as a subordinate element of the overall development; and if housing is approved as an early phase, this must be conditioned to ensure the subsequent delivery of the non-housing "leisure" elements. In addition as the Sandown site incorporates a requirement to take account of access and infrastructure to Delnies, this obligation should be reciprocal.

Nairn West Community Council (00365) - The previous Local Plan, and the developer/landowners' masterplan, envisaged the development of this land primarily for leisure and recreation. There were references to nature park, equestrian facilities, a golf course and associated amenities, a hotel/leisure complex and tourism-related development. Housing was indicated as a minor element, and industrial development did not feature. If housing is to be built at an early stage, there must be clear conditions as to the delivery within a defined and reasonable timescale of the other components of the plan.

NA7 Town centre

The Association of Nairn Businesses (04204) - Believe that the Highland Council planning processes should be firmly guided by "Community and Enterprise in Scotland's Town Centres" and its key principle of "Town Centres First". The principle of "Town Centres First" should be paramount in the Highland Council planning process. Out-of-town and edge-of-town retail planning applications should be subject to the closest scrutiny in order to minimise the effect upon town centre businesses. Particular concern to any move to increase the number and variety of new retail outlets as a cluster around or near the Sainsbury's store. Recognise that existing out of town developments will continue to attract a proportion of Nairn residents but increased population and increased footfall will inevitably benefit the vibrancy of our town centre retail area. Consider that any future applications should be turned down at the Sainsbury site.

Residential development - Indicates the need for encouraging further development to stimulate the town centre and while recognising local opposition to further residential development in and around Nairn an increase in the number of homes can only enhance the quality and number of businesses which can survive in Nairn High Street.

Town Centre Living - There are a number of buildings with residential potential within Nairn town centre which are currently unoccupied or under-occupied. Ground floor living in

former shops is likely to seem unattractive but there are buildings where this would not be the case and there are certain to be higher storey spaces that can be converted to residential use. In particular owners should be made aware of any financial grants which may be available and that there are UK government tax breaks available that make conversion from business to residential use a very attractive proposition.

Transport - The development of the by-pass will allow traffic which has no intention of stopping in Nairn to proceed rapidly on a bypass will enhance the experience of those intent on visiting the town and using the facilities of our town centre.

Community Enterprises - Nairn has an excellent and well used Community and Arts Centre. There is however, potential to use town centre buildings as venues for additional community recreation, education and enterprise activities. Highland Council planning processes should take account of and encourage this form of development.

Business Development and Employment - Nairn is in a beautiful and in some ways unique geographical position. It is well served by its transport links, particularly as the closest town to Inverness Airport. Steps should be taken to publicise the assets of Nairn with the aim of encouraging the migration of significant businesses to our town. The appearance of new businesses with larger workforces will justify new residential development and enhance the viability of town centre retail and catering outlets.

Nairn West, River and Suburban Community Councils - joint comments (04216) - In line with current Scottish Government policy and the "Town Centres First" principles (para 2.8), action to revive and regenerate the town centre of Nairn is a higher priority than further expansion of the residential capacity of the town. A systematic and integrated regeneration plan – rather than piecemeal development of individual town-centre sites – is required. The Town Centre Development brief should consider wider area than that defined, which includes large areas of parking. Need to take comprehensive overview of the layout, functions and access arrangements for the entire heart of the town; devise suitable proposals for enhancing the viability of the area, generating greater footfall, maintaining the visual appeal of the historic buildings and linking the retail zone of the High Street more dynamically to the recreational zone of the harbour, caravan park and Links. Plans should comply with the principles set out in current planning guidance such as Designing Places, in PAN59, and in the Malcolm Fraser Review.

Nairn West Community Council (00365) - Development brief should consider wider area than that defined, which includes large areas of parking. Need to take comprehensive overview of the layout, functions and access arrangements for the entire heart of the town; devise suitable proposals for enhancing the viability of the area, generating greater footfall, maintaining the visual appeal of the historic buildings and linking the retail zone of the High Street more dynamically to the recreational zone of the harbour, caravan park and Links. Plans should comply with the principles set out in current planning guidance such as Designing Places, in PAN59, and in the Malcolm Fraser Review.

L G Kerr (01837) - Considers regeneration of the Town Centre is the top priority for the town.

Michael Green (04354) - Considers that regeneration of the Nairn Town Centre is essential and is the second priority for Nairn after the Bypass, adherence to the Town Centre First policy as the guiding mantra for all development around about and in Nairn.

NA11 Balmakeith

Laurie Fraser (00561) - Believes that allocation should include requirement for provision of a road bridge across the railway. Considers that no new house building should progress prior to improvement of transport links in particular a road connection from the A96 and Balmakeith to NA2 South Kingsteps.

NA13 South of Balmakeith

Soudley Research Ltd (04158) - The area allocated as NA13 does not reflect the existing settlement boundary, does not provide flexibility for new and existing businesses and does not provide Nairn with a range of development sites for the expanding population.
[Boundary map and supporting text supplied, 04158 NA-GEN/2]

The Association of Nairn Businesses (04204) - Objects to allocation on concerns about the potential impact on Nairn town centre and more widely to Nairn businesses. Believe that the Highland Council planning processes should be firmly guided by “Community and Enterprise in Scotland’s Town Centres” and its key principle of “Town Centres First”. The principle of “Town Centres First” should be paramount in the Highland Council planning process Out-of-town and edge-of-town retail planning applications should be subject to the closest scrutiny in order to minimise the effect upon town centre businesses. Particular concern to any move to increase the number and variety of new retail outlets as a cluster around or near the Sainsbury’s store. Recognise that existing out of town developments will continue to attract a proportion of Nairn residents but increased population and increased footfall will inevitably benefit the vibrancy of our town centre retail area. Consider that any future applications should be turned down at the Sainsbury site.

L G Kerr (01837) - Considers the decline of the town centre following the opening of the supermarket must result in a rethink in the out of town retail shops. Any proposed development at this location should meet with the approval of the Association of Nairn Businesses.

Sainsbury’s Supermarkets (01003) - The 'Non-food retail' description provided in the Proposed Local Development Plan does not accurately reflect the existing use on the site (a Sainsbury’s supermarket) or the uses permitted under planning permission 07/00099/NA.

Laurie Fraser (00561) - Objects as the current supermarket has had a detrimental effect on the town centre and any further development in the non food retail will only exacerbate the situation that should be no further development on this site and that it is withdrawn from the plan.

NAIRN SOUTH ISSUES

(NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion)

General Comments

(covers sites NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion)

General Support

Barratt East Scotland & Robertson Homes (01310) - Nairn is identified as a Tier 2 settlement and its stated role under Policy 1 is supported. The allocations at NA8 and NA9 identified in the IMF Proposed LDP will positively support “the vitality and viability of any of the centres” including Nairn, by delivering planned residential and mixed use development, which will in turn support the objectives of Policy 1. Supports identification of sites NA8 and NA9 Nairn South and requirements for new development.

Objections to principle of development

Jane Reid (04023) - Nairn South is not needed nor wanted by the local community or businesses. The site cannot be sustained by the local community, by transport links, or any part of the local infrastructure.

Brian Morrison (04032) - Believes there should be no development of the areas NA8/NA9, a proposal has already been rejected. Road junction at the Railway bridge is already unsafe the pavement is also too narrow.

John Gordon & Son (01031) - The HWLDP anticipates 680 houses would require access from the proposed by-pass; and by the Plan which reduces that critical mass to 420, i.e. by almost 40%, no explanation of discrepancy between the Council’s policy (HwLDP and PLDP). The Plan presents no justification for any of this or the implications it brings for added pressure on the existing road network

R & A Morrison (04513) - Previously objected to inclusion of sites on earlier stages of Plan, in the interim changes have occurred in the area with the health centre being relocated and the hospital enlarged. Cawdor Road is consequently much busier with traffic accidents and stalled traffic flows. Area has no jobs, shops are closing in town centre and the economy is not improving. Development here would ruin tranquillity and be excessive for a rural area and road network. Raises concerns about the impact on the Cawdor Road network and also on pedestrians, as well as the wider impacts on wildlife and their habitats. Development of Firhall provided an environment people of middle age or older and this will be adversely affected by development of the nature proposed, with the loss of further green space in the area.

L G Kerr (01837) - Objects to the site as the main road into the town under the railway bridge must be brought up to full standard before any development can be started. This is a School Route and it is presently dangerous. The existing foulwater system requires to be upgraded before any further development in this area.

Russell Greg Brindle (04464) - Objects to site on basis that sites are semi-rural adjacent open countryside on key entrance of town, concerned about impact of development on tourism. Impacts on the existing Firhall development, with its high design and landscape qualities. Sites NA8 and NA9 are in close proximity to low density developments and institutions sitting in own grounds; proposals for their development have disregarded this setting. High density development is not appropriate and Development Plan needs to be specific and requires amended to provide appropriate context and specific guidance.

Ian Nalder (04362) - Object to a variety of issues; acknowledge need for housing but shouldn’t be dictated by developers; need to formalise bypass route prior to considering developer proposals; need for provision of costed proposals adequate access into town

plus essential earthworks to protect new residents from existing sawmill operation. Consider 3 potential or combination of options to address roads issue prior to development progressing; widen the railway bridge on Cawdor Road; widen railway bridge onto Mill Lane onto Church Street (not preferred as will lead to tailbacks to Leopold Street; establish a route over the former level crossing at Moss-side, If not addressed Nairn South should be removed from potential development.

Limits to development

John Gordon & Son (01031) - The Plan should be realistic about the timing of a by-pass and the limited options for strategic junctions to the A96 (T) under consideration by Transport Scotland and that a by-pass junction to Nairn South is feasible and can reasonably be delivered at developer cost and the capability of a later (longer term) phase of development to support a connection to a by-pass and thus a substantive improvement in access to and from the sawmill... With a view to improving the accessibility of the business, John Gordon & Son has made representations to Transport Scotland in respect of its position as a significant traffic generator and an established existing user, as distinct from a developer from whom contributions might be sought. Phasing, scale and timing of development at Nairn South has particular significance for the sawmill as these determine; the positioning and proximity of future development; the extent of a "buffer area" and the magnitude/intensity of potential future complaint.

Land at Nairn South is phased 520 homes short term and 410 homes long term in the Inner Moray Firth Local Development Plan (PLDP). The same land in the Highland-wide Local Development Plan is phased 330 short and 600 long term. Phasing is controlled by capacity of the existing road network that strictly limit (according to policy as set out in the HwLDP) a first phase to 250 houses.

Charles Allenby (01232) - Scottish Government Reporter to the HWLDP concluded that "The residential component of the first phase will be strictly limited to 250 houses," and provides a clear limit of maximum site capacity which we fully support. This level of housing is considered sympathetic to the landscape and is consistent with the existing character of the area reflecting the edge of settlement location of the site linking the urban and rural environments. The Reporter also makes specific reference to the Transportation Assessments and analysis undertaken to date assessing the potential limit of development in the first phase of Nairn South before significant additional infrastructure improvements or a by-pass is required. The limit of 250 units is on the basis of potential improvements required (beyond that already completed) to the railway under-bridge which probably requires installing traffic signals.

Bypass requirement

John Gordon & Son (01031) - The policy provisions for development, phasing and access/transport at Nairn South in the Highland-wide Local Development Plan and in the Inner Moray Firth Local Development Plan are not coherent or consistent with the aspirations that Nairn South is served from an A96 (T) by-pass. The viability of a major allocation for expansion (short or long term) at Nairn South, deserves much closer scrutiny and may have no place in the development plan at this time.

Nairn West, River & Suburban Community Councils - joint comments (04216), R & J Marsh (04516) - Nairn bypass plans now form part of a larger Inverness-Aberdeen dualling project and a new range of route options for the bypass. As the existing

infrastructure is already a constraint, and because the choice of bypass route will affect the future shape of Nairn's expansion, planning approval should not be granted for any major development sites in the town until a bypass route is agreed and a timetable for delivery is confirmed.

John Reid (04024) - Believes that given the recent planning decision refusing planning permission for housing at Nairn South that no development should progress until the bypass is complete; the road bottleneck at Cawdor Road railway bridge is resolved including hospital traffic; adequate school capacity if provided; further capacity provided at the hospital and the development has support from Nairn residents.

Nairn West Community Council (00365) - The IMFLDP has to recognise and reflect that in the specific guidance on the NA8 and NA9 sites. The future expansion of the town and the evolution and shape of the whole area south of the railway line depends critically on the route chosen for the A96 dualled bypass and the location of junctions with it. Development currently indicated for the short-to-medium term cannot sensibly proceed without a clear blueprint for the wider area defined by the route which the bypass takes. At present the IMFLDP appears to ignore the influence, implications and impact of the bypass route choice

Woodland interests

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy. Ancient Woodland at NH880546 between building at Broadley and River Nairn and along river banks should be protected from any development and provide for management, buffering and potential expansion of woodland.

Brian Morrison (04032) - The general area has many large trees which support a Red Squirrel community <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/red-squirrel/squirrels-and-the-law/>

Provision of new access

Archie Vallance (04033) - Nairn South there is a need for a new vehicular crossing to the west of the station possibly joining Duncan Drive and across to Balblair Road, giving decent access to the town. Present access cannot cope with proposed levels of development. Contributions from developers would share the cost and achieved prior to building. Allocating land will lead to development and there is a need to highlight that some areas will not be delivered until a later date.

Trunk Road linkages

Scottish Government (03642) - Transport Scotland consider that text in relation to NA8 and NA9 require amendment to take account of previous comments to the Main Issues Report that; "An appropriate access strategy taking into account the cumulative impact of the various development opportunities should be discussed and agreed with Transport Scotland. It would be expected that existing junctions will be used to access the proposed sites." The recent consultation on the Nairn Bypass options recently presented to the public did not allow for a junction in close proximity to sites identified as NA8 and NA9.

Michael Green (04354) - The proposed Bypass is the number one priority for Nairn.

NA8 Nairn South

General Support NA8

Barratt East Scotland & Robertson Homes (01310) - Supports the identification of site NA8 in the IMF Proposed LDP. Pages 802 to 806 of Appendix 4a of the SEA support the allocations of these sites in the IMF Proposed LDP. Having regard to the nature of this assessment, with only 3 negative ratings out of the 36 criteria specified have been attributed to these allocations with the vast majority of criteria being either neutral or positive. In planning terms, the results of the SEA identify that these sites are well located to accommodate the development proposed. Supports identification of sites NA8 and NA9 Nairn South and requirements for new development. , [Consortium Land Interest,01310 NA8/3]

Considers that site NA8 is effectively supported by submission of planning application 11/04355/FUL, [Location plan supplied, 01310 NA8/4] whose southern boundary is contiguous with NA8. The application was recommended for approval by officers of the Council having regard to the development plan and other material considerations, including the requirements referred to above. The application was refused by Members on the grounds of highway capacity. The refusal is currently subject to a planning appeal (DPEA Ref: PPA-270-2097) and is considered to be unjustified and unreasonable. The reason for refusal did not relate to the principle of the proposal as the site is already allocated in the adopted HwLDP. The consortium would wish to make further representations on the Proposed LDP in the event that the decision is of relevance to this Plan.

Plan Content

Charles Allenby (01232) - The text accompanying NA8 is insufficient guidance in terms of basic infrastructure requirements, phasing, limits on numbers and appears to simply reflect previously submitted development proposals that have already been refused planning permission by Highland Council. NA8 does not accord with the phasing set out by the Nairn South Strategic Masterplan nor set out the infrastructure requirements associated with development. It provides insufficient guidance or clarity and could lead to sporadic or isolated patterns of development that are not well linked physically or functionally to the existing urban structure of the town. The IMFLDP does not adequately define the phasing of development in line with allocations as required by Highland-wide Local Development Plan. [Conceptual Development Framework (plans and commentary) submitted, 01232 NA8/1, pages 1-8]

Planning applications - Planning Refusal

John Gordon And Son (01031) - The Council's recent refusal of a proposal for 319 houses (11/04355/FUL) for reasons relating to the capacity and capability of the local road network. The Plan should reflect that decision of the Council to refuse; the land should not be allocated.

John Flett (04473) - Considers that as the Council, on 20 August 2013, rejected a planning application for 319 housing units on the same land. The rejection was founded on the inadequate road infrastructure surrounding the development. The revised version of the

Inner Moray Firth Development Plan must reflect that refusal. Not to do so would leave the Council open to legal challenge and make a mockery of local democracy.

R & A Morrison (04513), J Pullinger (04519) - Objects to inclusion of site citing recent planning refusal for 300+ homes due to lack of infrastructure and inadequate road capacity. Traffic at Cawdor Road railway bridge is constantly backed up further traffic will make this permanently gridlocked. Concerned that having refused 300 houses the Plan should not be promoting over 500 homes now

Planning application - Pending

Charles Allenby (01232) - Mr Allenby's application for Planning Permission in Principle (13/01276/PIP) remains before Highland Council. The application site lies within and forms part of NA8. The application proposal is for a mixed use development of 250 homes, community uses, local/neighbourhood retail facilities and business and commercial uses. The application also includes a pedestrian & cycle bridge over the railway to serve Nairn Academy and the surrounding area and a west – east link road between Balblair Road and Cawdor Road as well as suggested improvements to Balblair Road. The application also includes a strong landscape buffer to contain development and avoid poorly sited development on the ridgeline to the south of the site and provides an area for potential expansion of existing commercial uses.

Considers that the Allenby development framework completes the requirement for a masterplan approach for the initial phase of the Nairn South area that is consistent with government advice and the Reporter's recommendations and conclusions. This includes a mixed use development including community uses, open space, local neighbourhood retail, business units, limited to a total of 220 houses (including affordable) within the first phase of development within NA8, pedestrian and cycle bridge across the railway, local distributor link road between Balblair Road and Cawdor Road and 5.1ha sawmill expansion with appropriate noise mitigation including bund to ramp for bridge, landscaping, buildings and planting. [Conceptual Development Framework (plans and commentary) submitted, 01232 NA8/1, pages 1-8]

John Gordon & Son (01031) - A further current planning application for 250 houses (13/01276/PIP) although still pending could be refused also. For a "first phase" is to proceed, it needs to be found to be deliverable ahead of a new access to the A96 (T) by pass. That is not proven and the Plan is presumptuous in assuming that it can be.

Design

Charles Allenby (01232) - Nairn South needs to be developed at an appropriate density to ensure a successful transition between rural and urban. Design should be specific to Nairn and Designing Streets should form a basis for good practice in calming traffic and creating a strong sense of place and well-designed public spaces. It should not be a high density reproduction of other more central parts of the town centre.

Nairn South Strategic Masterplan - Compliance with Guidance

General

Nairn West Community Council (00365) - Believes that the existing strategic masterplan is neither credible nor fit for purpose and requires re-writing to reflect more clearly the need to address the Considers the delivery of a Nairn bypass is a critical prerequisite for the

development of the Nairn South site.

Nairn West, River and Suburban Community Councils - joint comments (04216) - Believes that Nairn South Strategic Masterplan is no longer credible given recent refusal of planning permission to related planning application.

Charles Allenby (01232) - The Nairn South Masterplan does not respond to concerns expressed by the local community and Development Control decisions taken by Highland Council. The wording is too vague and should be more specific to avoid ambiguity or misinterpretation. We submit that the Nairn South Masterplan prepared by Highland Council does not adequately reflect the findings of the Reporter from HWLDP or the views of the local community and therefore suggest that aspects of the Nairn South Masterplan are clarified and reviewed as part of the Inner Moray Firth Local Development Plan [Submission to Nairn South Masterplan consultation supplied, 01232 NA8/2, pages 1-5] [Conceptual Development Framework (plans and commentary) submitted, 01232 NA8/1, pages 1-8]

Charles Allenby (01232) - Submit that the appropriate way forward to progress this allocation through the more detailed Inner Moray Firth Local Development Plan (IMFLDP) is to progress a masterplan based on further public consultation and feedback from the Community Councils. The masterplan should fully reflect the findings made by the Reporter from the HWLDP, key planning guidance and advice from Scottish Government and examples of good practice from elsewhere as well as the views of the local community and consultation with the relevant Community Councils.

Highland Council has prepared the Nairn South Masterplan to align with the boundaries of the Scotia Consortium application leading to isolated development not well connected to the surrounding area. The allocation proposed is not an appropriate response to the Nairn South Masterplan and does not provide any phasing for development or numbers within successive phases. It falls short of a full consideration of the distinct phases as required by the Nairn South Masterplan.

The Inner Moray Firth Local Development Plan should therefore provide more specific guidance and design principles for the masterplan and phasing of Nairn South. Consider there is a need for a further iteration of the Nairn South Masterplan to better reflect community views and to respond to local access and infrastructure issues. Submits masterplan phasing diagrams and requirements as prepared for client that is considered a more appropriate interpretation of HwLDP Policy 18.

Delivery and phasing

Nairn West, River and Suburban Community Councils - joint comments (04216) - Development at Nairn South should be phased gradually from existing perimeter of town and should deliver necessary transport infrastructure improvements (such as bridge over railway, and road modifications) prior to other development. The several new alignment options for the A96 bypass (none of which at present incorporates new or improved access into Nairn South) is a further reason for a reassessment of the approach to Nairn South development planning. Housing development at Cawdor will result in a much heavier volume of traffic on the B9090 Cawdor Road which will have consequences for the railway-bridge bottleneck and capacity problem. The solution will to a large extent depend on whether and how any intersection is designed between Cawdor Road and the bypass.

Pause and Review

Barratt East Scotland & Robertson Homes (01310) - Object on the basis of concerns raised in submissions on the Inner Moray Firth Proposed Local Development Plan: Proposed Action Programme. Objection relates to the inclusion in the Action Plan and Nairn South Strategic Masterplan of a pause and review to assess the impact of development as development progresses. The requirement for a pause and review was introduced by Members of The Highland Council when agreeing to the Strategic Masterplan, Phases 1 & 2, Nairn South. This requirement was not subject to consultation and is not supported by the Transport Assessment submitted with planning application (11/04355/FUL) for 319 houses.

NA9 Nairn South (long term)

General Support

Barratt East Scotland & Robertson Homes (01310) - Support, subject to comments on Site NA9, development of the locations and uses specified in Section 4, that is sites NA8 and NA9, [Consortium Land Interest,01310 NA8/3] of the IMF Proposed LDP are supported in accordance with the requirements of Policy 2. It is noted that the requirements relate to provision of the necessary infrastructure, services and facilities required to support new development proposed as indicated in this Plan. Larger sites must be appropriately masterplanned with each phase of development showing its relationship to this overall masterplan and demonstrate how the required infrastructure will be delivered. Pages 802 to 806 of Appendix 4a of the SEA support the allocations of these sites in the IMF Proposed LDP. Having regard to the nature of this assessment, with only 3 negative ratings out of the 36 criteria specified have been attributed to these allocations with the vast majority of criteria being either neutral or positive. In planning terms, the results of the SEA identify that these sites are well located to accommodate the development proposed.

Development potential

Laurie Fraser (00561) - Objects to inclusion of site, this proposal is long term and it will be many years before any building can take place here. The site is unlikely to be developed with the proposed Nairn by-pass having no direct access link. In this case I would request to have this site removed from the development plan totally. If this were done then it would also go some way to allay local fears that Nairn was being turned into a giant development site for housing.

Compliance with Policy, guidance and phasing

Barratt East Scotland & Robertson Homes (01310) - Objects to the requirement that “no development prior to completion of NA8” should proceed at NA9. Whilst the Council has an aspiration that Site NA8 should be completed in its entirety the Planning Authority cannot control the completion date. The Local Authority also has a requirement to ensure the delivery of effective housing land, both within the period of the LDP and in the longer term. The suggested and preferred alternative approach would be for the LDP to clarify instead that the delivery of site NA9: Nairn South (long term) is programmed for the period 2021-2031.

Charles Allenby (01232) - NA9 does not accord with the phasing set out by the Nairn South Strategic Masterplan nor set out the infrastructure requirements associated with development and does not provide sufficient guidance or clarity and could lead to sporadic or isolated patterns of development that are not well linked physically or functionally to the

existing urban structure of the town nor does it adequately define the phasing of development in line with allocations as required by Highland Wide Local Development Plan and the Nairn South Masterplan. Additionally the retail/commercial/community facilities should be provided as an earlier phase of development. The Plan does not respond to concerns expressed by the local community and Development Control decisions taken by Highland Council. Specifically in terms of NA 9 Phase 2 (a) and 2 (b) should be revisited so that local roads and access issues, including the new pedestrian and cycle bridge over the railway to the academy, should be provided within the first phase of development.

Nairn South needs to be developed at an appropriate density to ensure a successful transition between rural and urban. . Design should be specific to Nairn and Designing Streets should form a basis for good practice in calming traffic and creating a strong sense of place and well-designed public spaces. It should not be a high density reproduction of other more central parts of the town centre, lower density development is in keeping with the location and character of the area. New development should be consistent with PAN 44 - Fitting New Housing Development into the Landscape, which states in paragraph 9 "Lack of integration with the landscape is particularly noticeable on the edges of our small and medium sized towns..." The development of Nairn South should also be consistent with PAN 72 - Housing in the Countryside, which provides the context to good design practice and seeing things in context and that development should respect landform and landscape. Careful attention should be paid to landscape fit, and the principles of good design should be applied consistently by authorities in their planning decisions. PAN 83 (Masterplanning) and PAN 68 (Design Statements) both also recognise context as a critical starting point.

NA12 Sawmill expansion

Sawmill interests

John Gordon & Son (01031) - Believes that the interests of J Gordon's Sawmill are not adequately represented in allocation NA12. This objection should be read in conjunction with objections to NA8 and NA12 on behalf of John Gordon & Son. The Council is fully aware of the critical impacts and potential conflicts that development at Nairn South poses for the future of the sawmill and the economy of Nairn. Appropriate provisions are required to safeguard the sawmill and its potential for development which will be landlocked by development at Nairn South. Factors requiring consideration include, noise mitigation and separation distances to new development; developers at Nairn South be required to address the transportation requirements of the sawmill as an existing, long established strategic land use. Consequently, the development plan is crucial in establishing the terms that inform the location and proximity of development at Nairn South.

Nairn West, River and Suburban Community Councils - joint comments (04216)

The particular requirements (and local impact) of the sawmill's current operations and expansion plans point to a redefinition of the development-objectives for this site. Much greater weight needs to be attached to the sawmill's role and its current and future needs. As this area is a 'mixed use' allocation, and subject to careful study of the scope for links with the eventually-agreed bypass and upgrading of the local rural roads, there is a strong case for stipulating a larger buffer-zone, revised access to the industrial site, and the earmarking of the northern part of the site for business, commercial or even light-industrial development, with any housing located further from the industrial premises.

Boundary definition

Charles Allenby (01232) - Believes the current area defined prejudices one of the key infrastructure requirements of the Nairn South Masterplan. Whilst the boundaries are not defined in detail, there is no recognition of the railway bridge and the current proposals map is prejudicial to its delivery. Wording of Policy NA12 should also include qualification that the piece boundary of the area to be defined otherwise the line as shown on the existing plan will become prescriptive by default. It has not been subject to detailed scrutiny and was initially defined by a Highland Council planning officer in the A96 Corridor study. The area was then measured to be 5.1ha. There was no operational justification for the precise boundary. It is therefore suggested that a more flexible approach is adopted which specifies that 5.1 ha or thereby is provided for potential sawmill expansion and new bridge over the railway.

L G Kerr (01837) - Supports allocation for sawmill expansion which should be encouraged/supported. Gordon's presently has 100 employees - expansion would be good for the town. Move the housing development well clear of the mill and of the proposed expansion zone.

Modifications sought by those submitting representations

General

Scottish Council for Development and Industry (04485) - Supports areas highlighted for development need to see progress being made on Nairn bypass.

Scottish Water (00396) - Addition of text highlighting requirement for improvements to waste water treatment provision that improvements to the networks will almost certainly be required.

Scottish Water (00396) - Seeks at Para 4.39 page 64 a minor addition be added, after the sentence "The provision of upgrades....development of the settlement" full stop inserted after settlement, followed with the following additional sentence: "Whilst capacity exists currently, the cumulative impact of all proposed development within the overall plan on shared treatment assets makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."

Barratt East Scotland & Robertson Homes (01310) - Supports the Spatial Strategy shown on Map 1 is supported, which illustrates that Nairn is a key town where the IMF Proposed LDP identifies significant housing within the Local Development Plan

Nairn West, River & Suburban Community Councils - joint comments (04216) - Extension of town centre and revisit existing development brief to include wider area.

- Modify text at para 4.33 – insert additional final sentences, “The beaches, the Links, the harbour, the Moray Firth coast and the surrounding natural landscapes are among Nairn’s most valuable assets, of significance both for residents and for visitors who are a major revenue-source. The impact of any development proposal on the quality of these assets will be a material consideration in any planning assessment. Reflecting the importance of tourism and recreation as a key driver of the local economy, a regeneration strategy for the town will also incorporate guidance on the preservation,

protection and improvement of the harbour area and the adjacent areas of public (Common Good) and recreational land.”;

- Para 4.34 - add extra sentences after existing text, “The town is a local centre of public services and of retail facilities to its residents and the surrounding hinterland, and a premier regional tourist destination. A vibrant town centre and an attractive harbour area serve both visitors and residents, provide public services to the local population, and help to sustain the local retail economy. The Council will prepare a targeted regeneration plan, in collaboration with the local community and including requirements for contributions from developers throughout the town, aimed at delivering an appropriate mix of town centre functions and public spaces, and capable of evolutionary modification when the Nairn bypass re-routes the trunk road away from the present transit-route through the town. Within this plan, the proposal [in the 2000 Nairnshire Local Plan] to consider extending Conservation status to some or all of the High Street area, an historic and architectural asset, will be re-examined.”
- para 4.35 - insert an additional phrase at end of second sentence: “in consultation with the local community and relevant public agencies.” page 66, table-entry for Site NA7 – to read “Redevelopment in accordance with a revised, updated and expanded development brief which takes account of possible Conservation Area options for the High Street area, is capable of adaptation once the A96 (T) is re-routed and includes Section 75 contributions from developments elsewhere in the town. To include uses that add to commercial vitality and viability, improve physical appearance of area, increase pedestrian links and footfall to the High street. This implies a balanced mix of uses appropriate to a town centre, with adequate provision for public transport, pedestrians, public services and amenity space as well as retail and office premises.”

Archie Vallance (04033) - Seeks production of a road network plan to serve development, reduction in the number of houses proposed and increase only in line with production of jobs in Nairn. Removal of Nairn South allocation. Introduction of a green belt to the east of the proposed by-pass

Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks changes to the Plan at

- Para 4.36 – insert after “major development sites”“but is constrained by transport and infrastructure capacity problems.”
- Para 4.37: amend existing text to read: “The delivery of the A96 (T) bypass is essential to resolve many of the existing capacity issues of the road network in and through Nairn. Approval will not be given to proceed with the development opportunities identified in the Plan until a bypass route is confirmed and a completion date determined. Delivery of improvements to the A96 and other routes in and through Nairn will require developer-contributions. All development sites will need to provide evidence that transport issues are being fully addressed - to resolve any existing constraints, to accommodate increased traffic levels, and to facilitate modal shift by providing integrated and networked alternative travel options such as cycle paths and walkways. In particular, development at Nairn South and on the eastern and western margins of the town will be dependent on, and should incorporate, appropriate access links to the realigned A96.”

K F S Mackenzie (04489) - Inclusion of further employment land and requirement for road improvements prior to commencement of development.

Michael Green (04354) - Inclusion of phasing of development to see mixed use development prioritised with development around Sandown and Delnies.

Scale of Development and infrastructure improvements

Muriel Greig (04242) - Reduction in scale of overall development and requirement for provision of additional services and infrastructure.

Ian Nalder (04362) - Inclusion of requirement for access from Nairn South into the town to be radically improved along with access into and protection for the town's largest employers, the John Gordon Timber Mill.

Nairn Kayak Club (04359) - Inclusion of an allocation at the Nairn Harbour Area and environs for 'Commercial, Recreation and tourist related developments and for text indicating the Council's support for the environmental enhancement of the area.

Nairn West Community Council (00365) - Modifications to text at

- Para 4.32 - add two more bullet points: * - preservation, protection and enhancement of the beaches, coastal environment, harbour facilities and Riverside of Nairn as key amenities for both residents and visitors. * - creation, development and expansion of a safe and integrated network of paths and cycleways within and beyond the town.
- Para 4.33 - add "the impact of development on the quality of Nairn's historic and natural assets which are key to the tourism economy will be a material planning consideration".
- Para 4.34 - add "This will be based on an integrated masterplan drawn up in consultation with (or by) the local community which will take account of the eventual re-routing of the A96 and the scope to extend the Conservation area".
- Para 4.35 - insert at beginning - "The harbour, Links and beaches are vital features of the town."
- Para 4.37 - insert new 2nd sentence. "Major developments will not be approved until a bypass route is agreed and delivery timetable confirmed".
- para 4.39 - insert after Audit "including the Coastal Trail and cycle path networks"

Scottish Water (00396) - Seeks a minor addition be added, after the sentence "The provision of upgrades....development of the settlement" full stop inserted after settlement, followed with the following additional sentence:

- "Whilst capacity exists currently, the cumulative impact of all proposed development within the overall plan on shared treatment assets makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."

Laurie Fraser (00561) - Identification of further land for business and industry.

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Amendment to Plan to have greater emphasis on assets of the town and wider area.

Acknowledgement of the need for a change in working practice and the provision of funding to community groups.

Laurie Fraser (00561) - Setting in place phasing limits for housing development.

New Sites Previously Considered

New sites previously considered - Fort Reay

W MacLeod (00912) - Inclusion of land at Fort Reay for the development of at least 35 dwellings.

New sites previously considered - Househill

Mr & Mrs Nicolson, Househill Mains Farm (01202) - Seeks changes to Plan with introduction of new site to Plan. Changes proposed;

- modify paragraph 4.36 to reflect the longer term development potential of the Househill Mains option;
- modify paragraph 4.37 to reflect the prospect that an interchange junction for the A96(T) and A939 would provide vehicular access to the Nairn bypass;
- possibly modify the text in NA8 to indicate the requirement to connect to the proposed A96 (T) bypass;
- include a new Mixed Use allocation NA10 (long term) to cover the main part of Househill Farm, the cemetery extension site (currently NA10) and land for playing fields/open space adjacent to the river.
- Refer to attached plan; list requirements in line with other allocations; extend the SDA boundary to include the requested land allocation and the Grigorhill Industrial Estate.

New Sites Note Previously Considered

New Sites not previously considered - Delnies

Cawdor Farming No.1 Partnership (01264) - Seeks alteration to Plan to permit development west of and adjacent to Delnies NA6 to be inserted at the end of paragraph 4.37.

Cawdor Maintenance Trust (04215) - Seeks alteration to Plan to permit development west of and adjacent to Delnies NA6 to be inserted at the end of paragraph 4.37.

New Sites not previously considered - Torwood

Alec Barden (04397) - Inclusion of land at Torwood to compensate for lost housing capacity.

Nairn – Allocations NA1 to NA7, NA10, NA11 and NA13

NA1 Former Showfield East

Charles Black (04103), Fraser Macpherson (04140), Allison Thomson (04142), Richard Mobey (04172), Calum McLean (04176), James Cairns (04183), Kathleen Grant (04188), David Munro (04189), Jane Patience (04193), Kenneth Mackenzie (01861), Shona Wescott (04392), David Vass (04388), Scott Johnstone (04271), Clifford Cooke (04222), Ferdinand Maylin (04317), Alexander Webster (04391), William Wright (04339), Woodville Owners Association Nairn (04368), Nairn West Community Council (00365), Brian

Cruickshank (04264), Jessica Torok (04384), Nigel Hanlin (04274), L G Kerr (01837), Elspeth McLean, Save our Showfield (04497), Elspeth McLean, Save our Showfield (04497), Kenneth Mackenzie, Save our Showfield (04498), David McLean, Save our Showfield (04499) Doreen Callaghan (04161), Gillian Cruickshank (04106), Douglas Inglis (04138), Des Scholes (04104), Paddy Maher (04308), Hazel Sime (04507), Janet E Mackenzie (04488), K F S Mackenzie (04489), James Somerville (04458) - Removal of site from Plan as development site and allocating as open space.

Alexander Thomson (04027), William Whyte (04523) - Removal of the allocation or reduction in development area to accommodate 8-10 houses.

Elspeth McLean, Save our Showfield (04497), Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks modifications to the Plan; Page 64, table entry for Site NA1 - (PREFERABLY) remove entirely from IMFLDP, OR ALTERNATIVELY,

- rewrite entirely to read: "The preferred strategy subject to the willingness of all parties concerned, is an excambion of the land at this site for Common Good land of equivalent value at Sandown sufficient for a new show venue, with the present Showfield site then becoming a Common Good asset (with the objective of its retention as green space for the benefit of the community). Should such an agreement not prove possible, the alternative would be development of part of the site, tied to the retention of the remainder of the traditional Showfield as open space. Alignment of housing or other development needs careful consideration to ensure no adverse impact on existing nearby streets, and any development is subject to provision of adequate access, footpath improvements, assessment of the cumulative impact on the road network and no adverse impact on the IMFSPA/Ramsar."

W MacLeod (00912) - Removal of NA1 former Showfield for development and allocation of land at Fort Reay for development.

Alec Barden (04397) - Inclusion of land at Torwood to compensate for lost housing capacity.

Nairn West Community Council (00365) - Seeks modification to the Plan either

- removal/deletion of the site NA1 from the list of housing allocations entirely; OR
- rewrite to identify the exchange (excambion) of the land for a portion of the Sandown Common Good Land sufficient for a new Showfield as the preferred option, with the existing Showfield being taken into the Common Good as a community asset and retained as green space for continued recreational and amenity use as at present.
- NB the title is the FARMERS' Showfield, not the "Former" Showfield);

NA2 South Kingsteps

Nairn West Community Council (00365), Nairn West, River & Suburban Community Councils - joint comments (04216), Scott Macdonald (01248), Steven Jack (04276), Wm Morton Gillespie (01010), Robert Sawers (04442), George Sutherland (04446), Thomas Wright (04460), Prof G Sutherland, Dr R Sawers & Mrs E Fraser (04477), Elizabeth Fraser (04404), Steven Jack (04276), Roddy Mackellar (04298), L G Kerr (01837), Ronald Tunstall (04387), Laurie Fraser (00561) - Removal of the Site NA2 South Kingsteps from the Plan.

Rick Stewart (04181), Arthur & Sheila Masson (04190), Stewart Morrison (04313), Hazel Morrison (04314), Doreen Wright (04461), Vivian Hardie (04171) - Reduction in the scale of development and access to be taken from existing Lochloy development (NA5).
Doreen Wright (04461) - Change of plan housing capacity from 90 houses to 20 houses

Dean Clark (04226), Hamish Clark (04225) - New or alternative access to serve development and reduction in numbers/density of houses proposed.

Charles Andrews (04202) - Seeks reduction in area of the site to only include land south of Kingsteps Burn, the inclusion of a requirement for planting of structural tree buffer to south of Kingsteps and the provision of only access from the existing Lochloy development (NA5).

Mark Connolly (04118) - Restriction on access to development of NA2.

Doreen Wright (04461) - Removal of land to north of Kingsteps burn from development area.

Rhonda Dawson (04228) - Requirement for development to take direct access from the A96(T)

NA3 Achareidh

Alison Miller (04014), Colin Young (03948) - Seeks further information to be provided.

W MacLeod (00912) - Removal of allocation from the Plan and the allocation transferred to land at Fort Reay.

Angela Boyle (03940), Gavin Mackintosh (03966) - Removal of allocation from Plan.

L G Kerr (01837) - Re-assessment of capacity of site.

Nairn West Community Council (00365) - Inclusion of a requirement for consultation with and engagement of the community.

Laurie Fraser (00561) - Inclusion of requirement for upgrading of Tradspark Road, road widening and a footpath on both sides of the road along with the Altonburn as required.

Ronald Gordon (01194) - Delete "housing capacity 6" and replace with "housing capacity to be determined by a masterplan".

NA4 Sandown

Heather Corran (04042) - Removal of allocation element for housing development. (assumed)

Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks various text insertions; page 66, table entry for NA4 Requirements:

- insert "revised and updated" before "Sandown Development Brief".
- In second sentence,
- delete "Developer" and insert "CG Trustees, in consultation with developers and local community" after "detailed masterplan".

After “Supplementary Guidance”

- insert “The site should be offered for development in subdivided lots over a period of time to ensure diversity of design and function.

After “Flood Risk Assessment”

- insert “preservation of wetlands habitat and associated amenities.”

Add at the end,

- “avoidance of adverse impact on landscape and views especially in relation to the Moray Firth coast.”

Alasdair Maclennan (04486) - Inclusion of requirements; number of homes should not exceed 350; buildings on the field immediately to the North of Wyvis Road and south of the A96 are restricted to single story; houses immediately to the North of the A96 should be no more than 2 storey.

L G Kerr (01837) - Amendment to the site allocation to provide several development areas.

Nairn West Community Council (00365) - Insertion of text in site requirements;

- insert “revised and updated” before 'Sandown Development Brief'.

Also in first line,

- delete 'Developer' and insert “Common Good Trustees in consultation with developers and local community”.
- insert after Flood Risk Assessment, “and preservation of wetlands”.

at the end add,

- “avoidance of adverse effect on landscape and coastal amenity”

Woodland Trust (04364) - Seeks rehabilitation of woodland area at NH904568 and exclusion from housing development area.

NA5 Lochloy

Nairn West, River & Suburban Community Councils - joint comments (04216) - Inclusion of developer requirements; page 66, table entry for NA5 Requirements – after “wider area”, insert “including provision of a suitable crossing (bridge/tunnel?) of the railway line to give access to Balmakeith and beyond.” Page 67 table entry for Balmakeith (NA11) – amend Requirement to read “In collaboration with Lochloy housing developers, pedestrian/cycle/vehicular access between Lochloy and A96/bypass to be included in planning”.

L G Kerr (01837) - Requirement within Plan to address traffic and transport issues.

N Pead (04120) - Inclusion of requirement to restrict housing development to single storey.

Springfield Properties plc (04128) - Supports site allocation.

Gary Black (03996) - Inclusion of requirement for road or footbridge crossing to access A96

Laurie Fraser (00561) - Inclusion of a requirement for a new direct road connection to the A96 prior to development progression.

Charles Andrews (04202) - Extension of boundary at NA5 Lochloy.

Highland Small Communities Housing Trust (00430) - Inclusion of an increased capacity for housing should be included in the Plan.

Social Housing Providers in Highland (04381) - Increase in the indicative housing capacity for the site.

Nairn West Community Council (00365) - Add at beginning of Requirements "Delivery of all elements of infrastructure, amenities, and access identified as conditions for development of this site as a whole, including..." Add to list of requirements after 'wider area' " a suitable crossing of the railway for pedestrians, cycles and possibly vehicles to enable access to the current or re-routed A96.

NA6 Delnies

Jane Reid (04023) - Supports the allocation of site for development.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks amendment to

- page 66 table entry to begin "Development will not be for housing alone, but will be subject to explicit agreement on the timely development and delivery of leisure facilities and recreational green spaces."
- After "wider area" insert "in particular unfettered access and wherever possible shared infrastructure with any developments on the adjacent Sandown site (NA4)."

Cawdor Farming No.1 Partnership (01264) - Seeks alteration to Plan to permit development west of and adjacent to Delnies NA6 to be inserted at the end of paragraph 4.37.

Nairn West Community Council (00365) - Seeks amendment to plan text, in the site listing (NA6) on p 66,

- under Uses, delete "Industrial" and insert "Leisure/recreation"
- under Requirements, after 'open space provision' insert "leisure and recreational facilities"

NA7 Town centre

Nairn West Community Council (00365) - Extension of town centre and revisit existing development brief to include wider area.

NA11 Balmakeith

Laurie Fraser (00561) - Inclusion of requirement for provision of a road link over the railway.

NA13 South of Balmakeith

Laurie Fraser (00561), L G Kerr (01837) - Removal of allocation (assumed)

Soudley Research Ltd (04158) - Increase in size of allocation NA13 to natural boundaries.

Sainsbury's Supermarkets (01003) - Amendment of description of acceptable uses for this site to 'Retail'.

The Association of Nairn Businesses (04204) - Restriction of any further retail development at Sainsbury's.

NAIRN SOUTH ISSUES

NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion

Scottish Government (03642) - Seeks amendment of text at

- Page 64, para 4.37: amend the text... "Longer term development options at Nairn South are largely dependent on the provision of a vehicular access to the proposed A96 trunk road bypass" to read... "Longer term development options at Nairn South are largely dependent on developers agreeing and delivering suitable improvements to the local road network".
- Page 67, Site NA9 Nairn South (long term) table, remove the text... '... identifying requirement for linkages to the proposed A96 (T) bypass'

Nairn River Community Council (00310), Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - Reduction in Housing Land Requirement and Growth Projections and phasing off housing development proposals contained in Plan.

Nairn West Community Council (00365) - Changes to NA8 requirements,

- insert after Development "once bypass route, linkages and timing are firmly decided, "
- After Masterplan, insert "revised and amended to reflect updated appraisal of transport and other infrastructure constraints, the delivery of mixed business and other uses as well as housing from the initial phase, appropriate landscaping and layout considerations, and adequate scope to permit the continuing operation and future expansion of the sawmill".
- After 'transport assessment', add "including measures to resolve for the long term the railway-underpass bottleneck, create an cycle path network connecting into the town, and to provide an additional crossing over the railway during the first phase of development".
- Also delete 'identification' and insert "delivery", and after 'recreational' delete "access management plan" and insert "facilities and amenities".
- Corresponding amendments need to be made to the site entry for NA12 (by inserting "revised" before 'Nairn South Strategic Masterplan'.

John Gordon & Son (01031) - Seeks amendment to Plan to reaffirm that any allocation of land is subject to consideration of transport and infrastructure and any first phase should not exceed 250 units (NA8/9); reflect Transport Scotland confirmation that a by-pass access to Nairn South is feasible in principle, specify grade-separated form at developer expense, and requirement to serve the sawmill (NA8/9);

- state any future allocation of land or planning application to be subject of a structural open space review; the deliverability of any such facilities to give added separation to the sawmill; and confirm this as an action for supplementary guidance;

- specify “a 20-30m set back of development from Balblair Road” (NA8/9); state “avoidance of any adverse impact on the economic opportunities offered by the expansion of the sawmill, through the provision of all necessary mitigation measures to reduce noise levels at the mixed use allocation site; a buffer to separate any development at Nairn South from the sawmill expansion area to be provided by developers should be a minimum of 35m-wide” (NA12).

NA8 Nairn South

Barratt East Scotland & Robertson Homes (01310) - Supports identification of sites NA8 and NA9 Nairn South

Brian Morrison (04032), John Reid (04024), R & A Morrison (04513), L G Kerr (01837), J Pullinger (04519) - Removal of site from the Plan.

Jane Reid (04023) - Removal of NA8 from the proposed plan, Nairn South.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Changes to Plan content; at Page 67, table entries for NA8 and NA9 – redraft entire text to reflect comments in Representation section and attached document, OR at the beginning of the Requirements for each,

- insert, “Development to be on the basis of a revised Strategic Masterplan to incorporate necessary transport and infrastructure upgrades, to include more precise guidance on housing numbers and phasing, to give greater weight to the sawmill’s requirements, and to take account of the bypass alignment when agreed. Development also subject to up-to-date transport assessment;....etc” [text continues as in present draft].

Page 67, table entry for NA12 (Sawmill expansion) –

- after “accordance” insert “with a revised Nairn South Strategic Masterplan (to be prepared in consultation with the sawmill owners) which gives greater weight to the needs of the operation and those who access it, and recognises the need for generous separation between this industrial operation and any residential development in the vicinity.”

Charles Allenby (01232) - Seeks changes to Plan allocation requirements to read;

- Site: NA8 Nairn South Area 9 (ha): 25.9 Uses: 520 homes (250 in Phase 1A); business, retail and community Requirements: Development to be in accordance with the phasing set out below to limit development in the first phase to 250 units and include local access and transport improvements to both Balblair Road and Cawdor Road; provision of a rail/cycle bridge across the railway; identification of green network and appropriate footpath/cyclepath connections; provision of link road between Balblair Road and Cawdor Road; open space provision; education developer contributions; landscaping; consideration of potential heritage impacts; provision of a recreational access management plan; avoidance of unacceptable adverse effect on the integrity of the inner Moray Firth SPA/Ramsar.
 - Phase 1a) 220 units and mixed uses
 - Phase 1b) 100 units and mixed uses
 - Phase 2a) 100 units
 - Phase 2b) 100 units

R & J Marsh (04516) - Amend requirements for Nairn South to be deferred until completion of the bypass.

John Flett (04473) - Inclusion in the section dealing with the development for housing of the land referenced NA8 should make it clear that development should only be allowed if and when the necessary road infrastructure is provided.

John Gordon & Son (01031) - Seeks amendment to Plan to reaffirm that any allocation of land is subject to consideration of transport and infrastructure and any first phase should not exceed 250 units (NA8/9); reflect Transport Scotland confirmation that a by-pass access to Nairn South is feasible in principle, specify grade-separated form at developer expense, and requirement to serve the sawmill (NA8/9); state any future allocation of land or planning application to be subject of a structural open space review; the deliverability of any such facilities to give added separation to the sawmill; and confirm this as an action for supplementary guidance; specify "a 20-30m set back of development from Balblair Road" (NA8/9); state "avoidance of any adverse impact on the economic opportunities offered by the expansion of the sawmill, through the provision of all necessary mitigation measures to reduce noise levels at the mixed use allocation site; a buffer to separate any development at Nairn South from the sawmill expansion area to be provided by developers should be a minimum of 35m-wide" (NA12).

Russell Greg Brindle (04464) - Changes suggested: The Local Plan - should state that no development of the sites should take place without new road provision in the surrounding area (I would have thought it sensible to concentrate new development in the A96 corridors to the east and west of the town thereby reducing the necessity for traffic to be dragged through the town centre and adjacent residential areas such as Waverley Road with the consequential pedestrian/vehicular conflict and detriment to amenity). The Local Plan should - specify a maximum density for the site which should be low to medium in keeping with and appropriate for the area. It should require the need for a specific landscape and environmental master plan for the sites. It should establish the principal of new development being set back from the road (a building line) which should be similar to the one already existing adjacent to the Firhall Development. It should require housing of a high quality architectural design, careful control of building materials and a respect for the local vernacular. It should establish exacting design standards for the site directly adjacent to the high quality Firhall Development to which it should both compliment and be sympathetic to.

Barratt East Scotland & Robertson Homes (01310) - Supports the Spatial Strategy shown on Map 1 is supported, which illustrates that Nairn is a key town where the IMF Proposed LDP identifies significant housing within the Local Development Plan

NA9 Nairn South (long term)

Barratt East Scotland & Robertson Homes (01310) - Supports the allocation and requirements of the allocation, with the exception of the requirement that "no development prior to completion of NA8" should proceed at NA9.

Laurie Fraser (00561), Jane Reid (04023) - Removal of NA9 from the proposed plan, Nairn South.

Charles Allenby (01232) - Seeks changes to Plan site allocation text to read;

- Site: NA9 Nairn South (long term) Area 9 (ha): 17.6 Uses: 410 homes, business and community Requirements: No development will be permitted prior to completion of

NA8. Development will be subject to a comprehensive development framework or strategic masterplan prepared in conjunction with Highland Council and subsequently adopted as Supplementary Planning Guidance. This should address phasing and the potential links to the proposed A96(T) by-pass; open space provision; education developer contributions; footpath/cycleway connections and linkages to wider area; structural landscaping; consideration of potential heritage impacts; provision of a recreational access management plan; Flood Risk Assessment; avoidance of unacceptable adverse effect on the integrity of the inner Moray Firth SPA/Ramsar.

Woodland Trust (04364) - Seeks protection of Ancient Woodland at NH880546 between building at Broadley and River Nairn and along river banks from any development and provide for management, buffering and potential expansion of woodland.

Russell Greg Brindle (04464) - Changes suggested: The Local Plan - should state that no development of the sites should take place without new road provision in the surrounding area (I would have thought it sensible to concentrate new development in the A96 corridors to the east and west of the town thereby reducing the necessity for traffic to be dragged through the town centre and adjacent residential areas such as Waverley Road with the consequential pedestrian/vehicular conflict and detriment to amenity). The Local Plan should - specify a maximum density for the site which should be low to medium in keeping with and appropriate for the area. It should require the need for a specific landscape and environmental master plan for the sites. It should establish the principal of new development being set back from the road (a building line) which should be similar to the one already existing adjacent to the Firhall Development. It should require housing of a high quality architectural design, careful control of building materials and a respect for the local vernacular. It should establish exacting design standards for the site directly adjacent to the high quality Firhall Development to which it should both compliment and be sympathetic to.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks changes to Plan content; at Page 67, table entries for NA8 and NA9 – redraft entire text to reflect comments in Representation section and attached document, OR at the beginning of the Requirements for each, insert, “Development to be on the basis of a revised Strategic Masterplan to incorporate necessary transport and infrastructure upgrades, to include more precise guidance on housing numbers and phasing, to give greater weight to the sawmill’s requirements, and to take account of the bypass alignment when agreed. Development also subject to up-to-date transport assessment;....etc” [text continues as in present draft]. Page 67, table entry for NA12 (Sawmill expansion) – after “accordance” insert “with a revised Nairn South Strategic Masterplan (to be prepared in consultation with the sawmill owners) which gives greater weight to the needs of the operation and those who access it, and recognises the need for generous separation between this industrial operation and any residential development in the vicinity.”

NA12 Sawmill expansion

L G Kerr (01837) - Supports allocation

Charles Allenby (01232) - Inclusion of text in reference to the sawmill expansion

- “principles of”... the Nairn South Masterplan to provide some flexibility and a more detailed stage in defining boundaries.

Reference should also be made to the provision of the pedestrian and cycle bridge across the railway by including the words “(accommodating new bridge over railway)”

..... are added in the reference of NA12.

The wording of NA12 should therefore be amended to read as follows: Suggested wording:

- Site : NA12 Sawmill Expansion Area (ha): 5.1 Uses: Sawmill expansion (accommodating new bridge over railway) Requirements: Development in accordance with the principles of the Nairn South Strategic Masterplan.

John Gordon & Son (01031) - Amendment to Plan to state under NA12 (Requirements)

- “avoidance of any adverse impact on the economic opportunities offered by the expansion of the sawmill, through the provision of all necessary mitigation measures to reduce noise levels at the mixed use allocation site; a buffer to separate any development at Nairn South from the sawmill expansion area to be provided by developers should be a minimum of 35m-wide”.

Summary of responses (including reasons) by planning authority:

General

Plan involvement and preparation

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311), Joan Noble (00879) - The Council has a statutory duty to prepare a Local Development Plan for their area. In Highland the adopted Highland-wide Local Development Plan, and the emerging area Local Development Plans, are the first of these new-style plans that set out an ambitious long term vision and strategy for development over the next 20 years or so, as required by Scottish Government legislation. The level of land allocations contained within the Development Plan provide flexibility to meet longer term development requirements and are not intended to be a target for the Council to achieve within each 5 year period of the Plan. With a strong focus on partnership working through the preparation of the Plan, the Council is also able to identify where new infrastructure and services will be required to support development. Providing such information at an early stage through the Development Plan helps to ensure that infrastructure can be delivered in the right place at the right time, including items that may be required in advance of the construction and/or occupation of a development.

Expressed community opinion in Nairnshire does favour lower growth levels than promoted by the Council. However, the Council must balance other considerations in its plan making including the needs of those that do not engage in the Plan process. As stated above, the Council’s growth locations and assumptions are already established within the recently adopted Highland wide Local Development Plan (HwLDP) [CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012], which was subject to Examination by Scottish Government appointed Reporters and addressed similar objections regarding growth levels. Although the property market has experienced a recent decline, the Plan’s strategy covers a long time period and the market is cyclical in nature. The Council’s latest Housing Need and Demand Assessment was also tested at the HwLDP Examination including its forecasts and requirements and was found to be robust and credible. The Plan already allows for a slower phasing of many of the major development sites but there is no convincing justification to make a significant change (either increase or decrease) to the total number and capacity of development sites. Additional infrastructure requirements are already referenced within the Plan where appropriate but there are capital programme commitments to many strategic network

capacities such as the A9 and A96 dualling, West Link, rail capacity improvements to Aberdeen and Perth and a new waste water plant to serve the Inverness to Nairn Growth area.

Plan process

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - In response to comment indicating that sites contained within the Plan should not be guaranteed planning permission, the inclusion of sites within the various drafts of the Plan provides opportunity for all interests to submit their views on proposals, allowing various interests to influence the Plan content. Once the Local Development Plan is adopted the sites contained therein have the principle for development is established. Planning applications for development are still open for consultation to the wider public and relevant agencies and will be assessed against and only be permitted where they meet all the policy criteria set out in the Development Plan.

Neighbour notification

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - The Council has noted that the neighbour notification of the Plan has raised concerns that development on sites is imminent. The Council considers that the set wording given in the regulations is ambiguous and has raised these concerns with Scottish Government.

Community Council proposal

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - The aspiration to appoint three project officers to act for the Community Councils is not a matter for the for consideration under the Local Development Plan and consider this issue should be addressed by working more closely with elected members, the ward manager and Council officers to progress ideas through already established channels for engagement and delivery.

Town Centre Regeneration

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - The Council have been actively working with Community Councils and other bodies in Nairn to deliver a design event and to draw up an Action Plan for town centre regeneration. The development of an Action Plan, drawn up through community consultation will identify and highlight options and mechanisms for - funding for delivering proposals that will help to deliver town centre regeneration in the town. This will be based largely on the priorities that have already been identified by the community during the preparation of the Nairn Town Centre Masterplan published in early 2011 [THC NA-GEN1, Nairn Town Centre Masterplan 2011], but will offer opportunity to include reference to the harbour and waterfront areas as well as highlighting the need to develop wider paths and cycleways to connect the centre to the wider area. Town Centre is additionally discussed in the context of allocation NA7 Town Centre.

Nairn Housing Developments

Nairn Suburban Community Council (also representing Nairnshire and Croy Community

Councils) (00311) - The Inner Moray Firth Proposed Local Development Plan does seek to ensure the availability of an effective land supply for development, including housing, for approximately the next 20 years. Whilst the views of NCC are appreciated that plans should provide for a shorter period, this longer term outlook is based on Scottish Government requirements. The land allocations have been specifically mentioned are already included within the Proposed Plan alongside other mixed-use allocations at Delnies and Nairn South. The delivery of development on all these sites is subject to specific requirements to ensure that any impacts of development are mitigated by improvements to infrastructure and services in the surrounding area. Scottish Planning Policy [THC NA-GEN2, Scottish Planning Policy 2010 Para 72] requires that Local Development Plans look to up to 20 years ahead, however, it should be noted that the LDP will be subject to review on a 5 yearly basis and will take account of changing situation in regard to National Policy, and projection of population, housing and economic growth.

In regard to Gordon's Sawmill's comments the Council has held numerous discussions with the owner/operator, potential developers and external agencies to ensure that adequate safeguards are in place to protect the current and future prospects of the sawmill operations.

General Support – Spatial Strategy

Barratt East Scotland & Robertson Homes (01310) - Support for Spatial Strategy and Nairn's role as a Tier 2 settlement was expressed and noted.

Scale of Housing Requirements, Phasing and Infrastructure

Archie Vallance (04033), Nairn River Community Council (00310), Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311), Joan Noble (00879), John Reid (04024), R & A Morrison (04513), J Pullinger (04519), Nairn West, River & Suburban Community Councils - joint comments (04216), Murial Greig (04242), Brian Morrison (04032), K F S Mackenzie (04489) - Whilst the realities brought about by the economic downturn are recognised, the purpose of the LDP is to set the planning strategy and a framework for growth in the future. Whilst past trends are useful in understanding what is happening on the ground there are many factors that have to be considered when setting a strategy for growth. Scottish Planning Policy 2010 (SPP) requires Planning Authorities to utilise the Housing Need and Demand Assessment (HNDA) as the evidence base for defining housing supply targets in local housing strategies and allocating land for housing in Development Plans. The HNDA Guidance, Scottish Government, March 2008 [THC NA-GEN3, Housing Need and Demand Assessment (HNDA), Page 44] indicates on page 44 that "Partnerships will also want to ensure that development planning embraces Government's aspirations for Scotland, reflected in targets for greater economic and population growth, that imply higher overall household growth than current projections indicate. Planning for housing should reflect the need to accommodate this."

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 topic of overall housing land requirement is considered more widely in the Schedule 4-Issue 2, Guiding and Delivering.

The Inverness to Nairn Growth corridor is based on a wider strategy aimed at promoting

and accommodating projected growth in the area. The identification of employment generating land uses within Nairn itself provides opportunity for investment for both locally based and national companies. In addition the Inverness to Nairn area contains a variety of emerging new employment areas, that will provide the economic and jobs growth, these include the Inverness Campus, Ardersier Port (Whiteness) and Inverness Airport Business Park. It should be noted that the emerging National Planning Framework 3 intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area.

In preparing the Proposed Plan, the Council has taken a partnership approach to identifying what infrastructure is required and when it needs to be delivered to support development. The Plan sets out indicative requirements for settlements and, where possible, individual sites. The Action Programme sets out how these infrastructure requirements can be delivered in partnership. The Highland-wide Local Development Plan (CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Policy 31 Developer Contributions, page 82) ensures that a proportionate approach to developer contributions will be taken to ensure the right infrastructure is delivered at the right time to enable and support development. This is further supported by the approach set out in the Developer Contributions: Supplementary Guidance (THC NA-GEN4, Developer Contributions: Supplementary Guidance) which shows the mechanism for obtaining developer contributions and process for delivery of infrastructure.

Priority of provision of bypass

Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311), Nairn West Community Council (00365), Joan Noble (00879), Michael Green (04354), Scottish Council for Development and Industry (04485) - The Council is committed to pursuing the delivery of A96 improvements including the Nairn bypass. The delivery of the bypass would reduce the level of through traffic in Nairn and alleviate the current issues relating to internal traffic movements. We are working with Transport Scotland to discuss the routing of the bypass and connections to clearly understand and address the implications for the Development Plan in terms of allocations and further infrastructure requirements. Comments suggest that no further development should be approved prior to the delivery of the bypass. However, the consideration of planning applications will be assessed against the various policies of the Development Plan and in the consideration of existing infrastructural capacity and the potential to deliver improvements to infrastructure and services required to support the growth of the settlement.

Water and Waste water infrastructure and capacity

Scottish Water (00396) - Agree with proposed change as it relates only to sentence structure and providing greater clarity, and can therefore be made as a non-notifiable modification.'

Scottish Water (00396), Joan Noble (00879) - Comment from Scottish Water in relation to capacity of Waste Water treatment clearly indicates capacity remains in the works. Issues relating to pollution from outflows should be directed to Scottish Water for their attention.

Impact on natural heritage and tourism

Nairn Suburban Community Council (also representing Nairnshire and Croy Community

Councils) (00311), R & J Marsh (04516) - The Plan acknowledges the importance of the natural environment to the continued prosperity of the area in Chapter 3 Strategy for Growth Areas. The Plan alongside policies of the Highland-wide Local Development Plan set out the basis for sustainable growth across the Inverness to Nairn area whilst safeguarding and enhancing the abundance of internationally and nationally important wildlife and landscape, that are key tourism assets, as well as setting out policy and guidance for the development of green networks over the area.

The Development Plan, the HwLDP and the area Local Development Plan, provides the policy basis for the assessment of proposals that have potential for impact on places of interest or wildlife and conservation interests in Policy 57 Natural, Built and Cultural Heritage (CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012 Policy 57, page 111). As indicated previously the Council is working with Transport Scotland to ensure that proposals for the improvements to the A96 to ensure local road connections are maintained as required.

Nairn Harbour

Nairn Kayak Club (04359) - In response to the objection seeking the further support for the development of the harbour area, The Council considers that Policy 34 Settlement Development Areas of the HwLDP CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012 Policy 34, page 85). provides adequate policy support for the progression of harbour and leisure related activities. It may be beneficial to add additional reference in the introductory bullet points or text to highlight the potential development of the harbour for leisure/tourism uses, should the Reporters agree and wish to recommend such an addition.

New sites previously considered

New sites previously considered - Fort Reay

W MacLeod (00912) - The site at Fort Reay was non-preferred within the Main Issues Report (CD5: Inner Moray Firth Local Development Plan: Main Issues Report: April 2012, page 51) but there has been a level of support for the inclusion of the site for low density housing. The main constraint to developing the site remains to the significant trees loss that would be experienced in practically any scale of development. The existing clearing within the site would be significantly constrained in development terms due to necessary setback from existing trees. An issue has been raised in regard to potential flood risk although this would likely only affect a small percentage of the site a Flood Risk Assessment would be required. The development of the site would also require improvements to the access this would be largely reliant on access improvements that would take place as part of the development of the Sandown lands, with the development of Sandown is likely to move forward in the medium to longer term. The site as stands may have potential for very small scale development after the Sandown lands have been progressed, but consideration of trees will minimise any potential in this respect. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

New sites previously considered - Househill

Mr & Mrs Nicolson, Househill Mains Farm (01202) - The Househill site will require major

road improvements to the access to the site with any development, including that prior to the development of the by-pass, will require a Transport Assessment to support the principle of development in this location. Currently there is no preferred proposed route and as indicated a decision on the final route is to be made later this year, in this respect the potential for linkages with the site remain unconfirmed but the potential for a junction close to the site exists allied to the future development of the bypass.

In terms of land requirement Nairn has an adequate supply of housing land already allocated through the Highland-wide Local Development Plan to support the strategic growth projected for the A96 development corridor. Lochloy has been under construction for several years with a new application pending, for approx. 170dh, for completion of the site. At Delnies, the Council is minded to approve a development of 300 dwelling units subject to conclusion of a S75 legal agreement, The recent refusal of an application 319 dh at Nairn South NA8 is currently the subject of appeal and a further application is currently under consideration for 250 dwellings. In addition the large a large scale allocation at Sandown has capacity for approximately 350 dwellings. Therefore a number of existing options to accommodate housing development in Nairn already exist and notwithstanding the current issues around allocations at Nairn South (see Nairn South sites consideration below) the identified supply of housing land adequately meets the current Plan needs. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

New Sites not previously considered

New Sites not previously considered - Delnies

Cawdor Maintenance Trust (04215), Cawdor Farming No.1 Partnership (01264) - The suggestion to introduce the potential for expansion of the site at NA6 Delnies may have some planning merit but has been lodged too late in this Plan's process to be considered and should have been submitted as a specified site. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses

Suggest that with the Plan providing a generous housing land supply in the event that not all sites are initially effective and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a local employment use. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

New Sites not previously considered - Torwood

Alec Barden (04397) - The suggested site may have some planning merit, albeit it lies out with the defined settlement boundary, but has been lodged too late in this Plan's process

to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a local employment use. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Nairn – Allocations NA1 to NA7, NA10, NA11 and NA13

NA1 Former Showfield East

Alexander Thomson (04027), Gillian Cruickshank (04106), Douglas Inglis (04138), Elspeth McLean, Save our Showfield (04497), Doreen Callaghan (04161), Elspeth McLean, Save our Showfield (04497), Kenneth Mackenzie, Save our Showfield (04498), David McLean, Save our Showfield (04499) Nairn West, River & Suburban Community Councils - joint comments (04216), Paddy Maher (04308), Nairn West Community Council (00365), Alec Barden (04397), Charles Black (04103), Fraser Macpherson (04140), Allison Thomson (04142), Richard Mobey (04172), Calum McLean (04176), James Cairns (04183), Kathleen Grant (04188), David Munro (04189), Jane Patience (04193), Kenneth Mackenzie (01861), Shona Wescott (04392), David Vass (04388), Scott Johnstone (04271), Clifford Cooke (04222), Ferdinand Maylin (04317), Alexander Webster (04391), William Wright (04339), Woodville Owners Association Nairn (04368), Nairn West Community Council (00365), Brian Cruickshank (04264), Jessica Torok (04384), Nigel Hanlin (04274), L G Kerr (01837), Elspeth McLean, Save our Showfield (04497), Paddy Maher (04308), Doreen Callaghan (04161), Des Scholes (04104), W MacLeod (00912), Hazel Sime (04507), William Whyte (04523), Janet E Mackenzie (04488), K F S Mackenzie (04489), James Somerville (04458) - The site includes land currently allocated for housing development within the current Nairnshire Local Plan (CD4: Nairnshire Local Plan: As continued in force: April 2012, site ref 10f, page 32) although the extent of the site has been expanded in the Inner Moray Firth Proposed Local Development Plan. Comments received have largely been against the potential for developing the site. Further comments have been received supporting the potential of an excambion with some of the Sandown land for development of a new showfield and retention of NA1 as open space. The option to deliver a new showfield at Sandown has been investigated during the preparation of the Sandown Development Brief but the adequacy of land available for this purpose was not clearly identified as being adequate for the Nairnshire Farmers Society's requirements for a new larger showfield. There is merit in continuing to investigate the potential for an arrangement of this nature between the common good fund and the farmers' society. In regard to the issue raised on a restriction to title to prevent development on the site, the Council have contacted the Nairn Farmers Society and they indicated that they are not aware of any such restriction.

Some comments received to the proposal had generally agreed that a lesser proportion of

development would be acceptable subject to a purposeful area of land being retained as open space. This area would have to host a new football pitch and general open space, the provision of which would be a requirement for the developer of the rest of the site. The Council considers that the remainder of the showfield site can still adequately serve both formal and informal recreation needs. The introduction of a requirement for a formal Section 75 agreement for a developer to provide enhancement to the remainder of the showfield may be appropriate.

Traffic issues have also been raised as a concern regarding the development of the land with limited capacity to improve the junction of Lodgehill and Waverley Roads; more broadly there is capacity within the boundary of the site and the wider showfield to make improvements to pedestrian and cycle access.

The greenspaces identified within the Plan link to HwLDP Policy 75 Open Space which safeguards existing areas of high quality, accessible and fit for purpose open space from inappropriate development. Sports pitches / playing fields (covered in further detail within HwLDP Policy 76) (CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Policy 76, page 134) are a subset of these greenspaces. The aim of the Inner Moray Firth Local Development Plan is to only identify those greenspaces that are cherished by the community (not a few neighbours) because they provide direct, amenity and/or recreational value and any development of them would be harmful to that value. Playing fields are safeguarded with the green open space notation in the Plan only where they should never be built on, reconfigured or enhanced. As has been acknowledged in some objections the showfield would benefit from enhancement and this could be achieved through reconfiguration and development of the allocated site NA1.

As the potential for a successful excambion of land is not known at this point and that the Farmers Society are seeking development value to facilitate the delivery of a new showfield. It is considered therefore the allocation is retained in the Plan as having development potential for housing subject to the provision of a relocated playing field and landscaping of the remainder of the showfield. The potential for an excambion with land at Sandown should also continue to be investigated.

If the Reporters consider that clarification regarding improvements to the remainder of the Former Showfield would be appropriate then the Council would be content with the suggested additional developer requirement in relation to the requirement for S75 legal agreement.

NA2 South Kingsteps

Scott Macdonald (01248), Mark Connolly (04118), Rick Stewart (04181), Arthur & Sheila Masson (04190), Stewart Morrison (04313), Hazel Morrison (04314), Doreen Wright (04461), Vivian Hardie (04171), Charles Andrews (04202), Nairn West Community Council (00365), Nairn West, River & Suburban Community Councils - joint comments (04216), Steven Jack (04276), Roddy Mackellar (04298), Ronald Tunstall (04387), Rhonda Dawson (04228), Dean Clark (04226), Hamish Clark (04225), L G Kerr (01837), Steven Jack (04276), Wm Morton Gillespie (01010), Robert Sawers (04442), George Sutherland (04446), Thomas Wright (04460), Prof G Sutherland, Dr R Sawers & Mrs E Fraser (04477), Elizabeth Fraser (04404), Doreen Wright (04461), Laurie Fraser (00561) - The South Kingsteps site lies to the east of Nairn and is sited to the north-east of the Lochloy housing development. The site has potential for future expansion to the north east of the existing, ongoing development at Lochloy.

The inclusion of this site would assist in providing better access to the existing Lochloy housing development which currently only has one access/egress point, and provide emergency access if required.

Given the ongoing concerns regarding traffic issues at the Lochloy Road junction and the A96 (T) and wider traffic movements this site will need to be supported by a Transport Assessment (TA) to demonstrate that capacity exists to support further development on this area. Improvements would also be required the access road beyond Montgomerie Drive and also at the access to the site off Lochloy Road. As stated above there is potential to form an access from the existing Lochloy development (NA5). Consideration should be given to where the site is best accessed from either a direct primary access from Lochloy Road with internal connection to Lochloy or the primary access being from the existing Lochloy development, with a secondary/emergency access from/to Lochloy Road. The options for access to the site will need further investigation and will have to be supported by a transport assessment. It may be appropriate for the potential for the primary access to the site to be delivered from the existing Lochloy site (NA5) to be included in the Plan.

The consideration of the potential impact of the development of the site (both individually and cumulatively) in terms of potential effects on Moray and Nairn Coast SPA is required to be addressed in support of any planning application.

The development of this site may have potential impacts on the existing housing group at Kingsteps and as part of the consideration of any proposals should be the amenity of existing development.

Developers of the site will be required to undertake a Flood Risk Assessment(FRA) given the presence of a watercourse within the site, any crossings on the watercourse within the site should be by bridge and not culverted. The land available for development will be subject to the outcomes of the FRA and the requirement for suitable setback from the watercourse. Text already indicates the potential flood risk and requirement for Flood Risk Assessment to support any planning application is accepted. It is acknowledged that the outcomes of the Flood Risk Assessment may affect the developable area of the site and in that respect a lower number of dwellings than indicated in the Plan may be deliverable, it may be an element of the site description that should be highlighted.

If the Reporters feel that further clarification of potential development levels is required then the Council would be content with the suggested additional developer requirement.

NA3 Achareidh

Alison Miller (04014), Colin Young (03948), Angela Boyle (03940), Gavin Mackintosh (03966), W MacLeod (00912), Ronald Gordon (01194), Nairn West Community Council (00365), L G Kerr (01837), Laurie Fraser (00561) - The site comprises and grounds of the Category B Listed Building, Achareidh House [THC NA3, Listed Building web extract]. The site has been identified within the existing Nairnshire Local Plan as having potential for housing, subject to the subservience of development to main buildings, avoidance loss of trees and important open space, whilst also safeguarding established policies of townscape value. These factors should continue to form part of the consideration for development on this site.

In order to develop an acceptable proposal for the site these factors should form part of a masterplanned approach to the development of the site, in addition to the considerations above the principle of development will also need to be supported by a traffic assessment and measures to ensure that the access to the A96 (T) can adequately serve the development of the site or the investigation of alternatives including appropriate improvements to footpath and cycleway provision. Other considerations to this site include the need to consider the various species that may be present on site.

Given the nature of the site and the various factors to be considered a masterplan will have to be prepared by the developer, any planning application would have to be the subject of public consultation and subsequent input from the community. In regard to the number of units that could be accommodated on the site, this will be constrained by considerations on site the Council is not averse to the final level of development being determined through the preparation of a masterplan prepared in consultation with the Councils Historic Environment Team, although do consider that the indicative figure within the site description should be retained subject to the outcomes of masterplan preparation. If the Reporters feel that clarification, in relation to the development capacity, would be appropriate then the Council would be content with the inclusion of an additional developer requirement.

NA4 Sandown

Heather Corran (04042), Nairn West, River & Suburban Community Councils - joint comments (04216), Nairn West Community Council (00365), L G Kerr (01837), Woodland Trust (04364), Alasdair MacIennan (04486), Nairn Suburban Community Council (also representing Nairnshire and Croy Community Councils) (00311) - The allocation at Sandown is a site that is contained within the HwLDP; the IMFLDP has carried forward all the developer requirements for this specific allocation. In addition the land now has the benefit of the delivery of the Sandown Development Brief [THC NA4, Sandown Development Brief] to guide the potential mix of development types to be delivered on the site. The brief identifies broadly the issues relating to development of the site including the presence of watercourses and the wetlands area. The potential mix of uses is also identified and includes residential (including live/work units) wetlands, interpretation, café, small scale retail, community and playspace. The further development of a masterplan to further guide development options on the site will address issues relating to the future form of development including scale and massing of development. The lead developer of the site would be an issue for the consideration of the Council alongside the interests of the Common Good Fund.

In regards to concerns regarding loss of woodland, woodland is already offered protection through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage (CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Policy 51, page 102 & Policy 57, page 111). However, the Council's records in relation to ancient woodland do not indicate any presence on the site.

In relation to the possibility of a new Showfield within Sandown; the potential for locating the showfield is worthy of further investigation and was intended to be referred to in the Proposed Plan and cross-referenced to the existing showfield site, it may be appropriate to include reference to the potential for excambion with land at NA1 Former Showfield East.

It is considered that developer requirements for the site remain referenced within the Plan in line with the content of the HwLDP and statutory Supplementary Guidance in terms of the approved Sandown Development Brief, the addition of consideration to part of the having potential to serve the needs of a permanent showfield site may be appropriate. If the Reporters feel it necessary, then the Council would accept a reference to potential for excambion of land with the showfield site (NA1).

NA5 Lochloy

Boundary amendment

Charles Andrews (04202) - Regarding the objection seeking amendment of boundary of NA5 to reflect that of the Highland-wide Local Development Plan (HwLDP) Site 1 Map 9 to include land to the west of Kingsteps Burn and south of Lochloy Road. The Council considers that the extent of the Lochloy application site (13/03759/FUL) [THC NA5, 13/03759/FUL Committee Item] should be reflected accurately in the Plan. Land outwith the site boundary to the south of Lochloy Road is not indicated as open space and any future application can be considered on its own merits and assessed against the wider policies of the Development Plan.

General Issues

Charles Andrews (04202), Gary Black (03996), N Pead (04120), Springfield Properties Plc. (04128), Nairn West, River & Suburban Community Councils - joint comments (04216), Social Housing Providers in Highland (04381), Highland Small Communities Housing Trust (00430), L G Kerr (01837), Nairn West Community Council (00365), Laurie Fraser (00561) - This site has the benefit of an existing allocation for residential development within the existing HwLDP. A significant amount of residential development has already taken place within the wider extent of the site, which included a reservation for a school site. There is still significant capacity within the site for further development and the site has recently been acquired by a new developer who wishes to review the development potential of the site. The retention of a site for delivery of a primary school has now been declared surplus by the Council. The current application is examining the potential for the site to be utilised for other uses including for further open space provision.

In terms of access issues, developer contributions are being accrued through the existing permissions and from future permissions at Lochloy with a view to securing delivery of a pedestrian bridge crossing of the railway. It may be appropriate for the Plan to more explicitly state the requirement to seek the delivery of a pedestrian/cycle bridge crossing and the requirement for developer contributions for its delivery.

The provision of a new vehicular crossing to access the A96 (T) has not been identified in transport assessments supporting development on the site and has not been considered as a requirement for development by the Council or Transport Scotland. However, issues relating to traffic congestion in the general area of the junction of Lochloy Road and the A96 (T) continue to form part of ongoing dialogue between parties. In the longer term the delivery of a Nairn bypass (this is still in the design and planning stage) will assist in reducing congestion throughout Nairn.

The Council consider that an access to the adjacent site at South Kingsteps (NA2) should be delivered within the Lochloy site. This along with internal connection to South

Kingsteps will provide an opportunity for a second point of access/egress to both sites, the primary access being from the existing Lochloy development, with a secondary/emergency access/egress from Lochloy Road. The delivery of this will need further investigation and will have to be supported by a transport assessment. It may be appropriate for the potential for the primary access to the site to be delivered from the existing Lochloy site (NA5) to be included in the Plan with a requirement that there is no ransom to open access/egress to NA2 South Kingsteps.

In regard to concerns over flood risk the site requirements indicate the need for a Flood Risk Assessment to support any planning application, the outcomes of any assessment may impact on the extent for development.

The previous developer (Kylauren) requested the extension of the development site to include land which had previously been cleared of scrub and trees with the intention of this forming an extension to the existing development site. The removal of woodland falls against national and Council policy on the removal of woodland and discussion have been ongoing between the Council and the new site developer (Springfield) with a view to securing compensatory planting for the woodland removal. The Proposed Plan has as a consequence include the disputed area within the site boundary for the site within the proposed plan with developer requirements put in place to reflect the need to provide compensatory planting for the loss of woodland.

Therefore the allocation is recommended to be retained as having development potential for housing and other uses, consideration of augmenting the requirements for the site relating to clarification including provision of adequate compensatory planting; further assessment of the adequacy of existing access arrangements; provision of unencumbered access to NA2 South Kingsteps and consideration and contribution to delivery of pedestrian/cycleway bridge across the railway.

If the Reporters feel that further clarification would be appropriate then the Council would be content with the suggested additional developer requirements.

NA6 Delnies

Jane Reid (04023), Nairn West, River & Suburban Community Councils - joint comments (04216), Nairn West Community Council (00365) - The site at Delnies is already contained within the Highland-wide Local Development Plan (CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012) and the Council is minded to approve an application for 300 dwellings on the site [THC NA6, 08/00080/OUTNA Committee Item and minute], along with a variety of tourist/business related development proposals, subject to the signing of a Section 75 legal agreement. The land allocation within the Plan is primarily for the development of housing with the main potential for tourism and business uses existing on lands adjacent and has the capacity to deliver an early development option for Nairn. The application site covers a more extensive site than the allocation and covers a variety of uses including mixed use development of 300 houses; tourism and heritage, equestrian and ecological centres; hotel and conference facilities; championship golf course, clubhouse and golf academy; community woodland and country park with associated infrastructure. The application seeks to deliver a tourism and heritage centre on part of the allocated site.

The policy contained within the Proposed Plan includes the main requirements for the site and make clear the need for developers to consider a variety of issues including the

need to consider the potential for business, industrial and community development. It may be appropriate to broaden the reference to uses in the site description to indicate tourist related development and include reference to the wider associated activities/development that are to be progressed outwith the allocated site. In relation to the delivery of all the components to the development the conditions proposed for the granting of permission require that programming will be determined by a detailed Phasing Plan setting out the exact sequences of development for each proposed land use. If the Reporters feel that clarification would be appropriate then the Council would be content with the suggested additional developer requirements.

NA7 Town centre

The Association of Nairn Businesses (04204), Nairn West, River & Suburban Community Councils - joint comments (04216), Nairn West Community Council (00365), L G Kerr (01837), Michael Green (04354) - The Council is supportive of measures aimed at Town Centre development and the Councils Town Centre Development Brief [THC NA-GEN1, Nairn Town Centre Masterplan 2011] was prepared in consultation with the community to assist in the promotion of the regeneration of the area. Further to this the Council has been successful to be granted funding under Scottish Government's Charrette Mainstreaming Programme for town centre regeneration. The Council has undertaken a programme of Town Centre Action Plan events covering Nairn, Fort William and Tain with a clear focus on identifying the mechanisms for delivering and funding projects that will best deliver town centre regeneration in the settlement. The focus will be on Nairn town centre but will extend to include consideration of its relationship to other important parts of the town including the harbour. aims of the Nairn mini-Charrette would be to prepare an Action Plan that identifies projects that can achieve an increase in footfall, both tourism-related and people from the surrounding area, and increase investment in the centre; identify proposals emerging from the Nairn bypass for optimising access to and from the town centre, movement within and around the centre, and the ease of access to services and facilities and related areas; and explore mechanisms and funding processes for delivering improvements including the potential for a catalyst project. As such the Action Plan will deliver a set of proposals that will have implications beyond the defined extent of the town centre, however, consider that the main focus of policy will be on the town centre that the boundary as defined is appropriate. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

NA11 Balmakeith

Laurie Fraser (00561) - In regard to comment in relation to the provision of a road bridge, the provision of a new vehicular crossing to access the A96 (T) has not been identified in transport assessments supporting development on the site and has not been considered as a requirement for development by the Council or Transport Scotland.

In terms of access issues, developer contributions are being accrued through the existing permissions and from future permissions at Lochloy with a view to securing delivery of a pedestrian bridge crossing of the railway. It may be appropriate for the Plan to more explicitly state the requirement to seek the delivery of a pedestrian/cycle bridge crossing and the requirement for developer contributions for its delivery.

NA13 South of Balmakeith

Soudley Research Ltd (04158), The Association of Nairn Businesses (04204), L G Kerr

(01837), Sainsbury's Supermarkets (01003), Laurie Fraser (00561) - In respect of comments regarding further retail development at NA13, the allocation at NA 13 South of Balmakeith already has the benefit of an extant planning permission for the development of non-food retail units; the permission [THC NA13, Site Layout and Decision Notice for Application 07/00099/OUTNA] also indicates restrictions to the on sales from the non-food units i.e. clothing, footwear, watches, jewellery, fashion accessories or toys. The permission also precludes the provision of a café, restaurant (other than for staff) post office and pharmacy. The Plan accurately reflects the consented potential for development on the site. Consideration of town centre regeneration is dealt with in reference to allocation NA7 Town Centre.

NAIRN SOUTH ISSUES

NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion

General Comments

(covers sites NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion)

General Support

Barratt East Scotland And Robertson Homes (01310) - Support noted.

Objections to principle of development

Jane Reid (04023), John Gordon & Son (01031), R & A Morrison (04513), Brian Morrison (04032), Ian Nalder (04362) - In regard to the principle of development the majority of these issues have been the subject of examination at the HwLDP and have received attention and been the subject of an independent examination. As such qualified support for the principle of development has already been established in the HwLDP [CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Map 9 Nairn, Page 52 & Policy 18 Nairn South, Pages 56-58]. Support is qualified because the Plan contains requirements for applicants to consider and mitigate the impact of their development on a range of issues including transport, drainage and heritage issues.

Limits to development

Barratt East Scotland And Robertson Homes (01310) - In regard to the assertion that the HwLDP sets a limit to development prior to delivery of the bypass, the Highland-wide Local Development Plan sets out a broad indication of the availability of housing land across the allocations contained within it, in order to demonstrate the Plans ability to comply with the housing land requirement identified in the Council's Housing Need and Demand Assessment [THC NA-GEN3, Housing Need and Demand Assessment (HNDA), Page 44]. In regard to Nairn South this identified the potential to accommodate up to 330 dwellings in the 10 year period 2011-2021 [CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Table 3 Potential distribution of development, Pages 51]. Policy 18 set a limit to development of 250 dh based on early indications to the potential capacity for development for any early phase of development in the absence of a completed transport assessment and masterplan document. This does not infer that a set limit of development utilising local road networks has been set. The potential for development at Nairn South has been moved forward following further work, in particular, in relation to the

preparation of a masterplan to guide development. (See consideration below in relation to Nairn South Strategic Masterplan.)

Bypass requirement

Barratt East Scotland And Robertson Homes (01310), Nairn West, River & Suburban Community Councils - joint comments (04216), Nairn West Community Council (00365) - In terms of medium to longer term development of Nairn South and the requirement for a direct connection to the A96 bypass. The potential route for the bypass is still awaiting a final decision on recent consultation of potential routes and junction strategy by Transport Scotland. The route and junction options presented by Transport Scotland 2013 offered no proposals for a direct junction from the A96 (T) bypass to serve the Nairn South area. A consideration of objection received by Scottish Government follows below. (*Trunk Road linkages Scottish Government comment* Scottish Government (03642))

The Plan clearly acknowledges the implications and impact of the A96 (T) bypass route selection at para 4.32 bullet 4 and also at para 4.37 where the longer term prospects for development at Nairn South are closely linked to the provision of an access to the A96 (T).

Woodland interests

Woodland Trust (04364) - Woodland interests are already offered protection through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage 2021 [CD1: Highland-wide Local Development Plan: Adopted Plan: April 2012, Table 3 Potential distribution of development, Pages 102 & 111 respectively].

Provision of new access

Archie Vallance (04033) - The delivery of an access to Duncan Drive is not considered appropriate as delivery of a vehicular bridge to cross the railway and be delivered in built up residential area is not considered practical. The Nairn South Strategic Masterplan [THC NA-GEN5, Nairn South Strategic Masterplan, May 2013] does however identify the potential for a pedestrian/cycleway bridge crossing at this point, with delivery funded across residential development at Nairn South.

Trunk Road linkages

Scottish Government (03642), Michael Green (04354) - The Council has consistently requested the delivery of an access to serve developments at Nairn South as part of the consultations undertaken by Transport Scotland on route options and junction strategy; the Council consider that the provision of a junction is required to serve the Council's strategic long term allocation at NA9 Nairn South. The Highland-wide Local Development Plan considered that the scale of development that can take place ahead of the bypass will depend on the adequacy of alternative links. Consider that the provision of a direct link to the future bypass is pivotal to long term development at NA9 Nairn South. A link to the A96(T) bypass was also considered a beneficial to the future expansion of J. Gordon & Sons Sawmill and maintains the firm's role as one of Nairn's large scale employers. The development of the sawmill alongside the identification of large scale development allocations at Nairn South has formed part of the strategic growth strategy for Nairn and the surrounding area. The Council indicated the potential for a connection to the proposed A96 (T) bypass to serve Nairn South in the Highland-wide Local Development Plan and during the development of the Inner Moray Firth Local Development Plan.

The Transport Scotland consultation that took place mid 2012 did not indicate a potential junction to Nairn South but indicated that this would be a consideration of it's junction strategy stating in their publicity material [THC NA-GEN6, A96 Route options consultation 2012 extract] that, "*No junction strategy to connect the local roads to the south has been developed at this stage for any of the bypass options. This will be reviewed at the detailed design stage and will also depend on any future developments to the south of Nairn.*" Further consultation of options and junction strategy in late 2013 has not developed any proposals to support longer term development and considers that text amendments to the Plan are required to indicate development at Nairn South should be based on the potential for delivery of suitable improvements to the local road network.

In light of the most recent consultation and objection from Scottish Government that a junction to serve development at Nairn South is not to be delivered, raises doubts over the longer term potential to fully develop all land identified through the Highland-wide Local Development Plan at Nairn South. Given the potential overall scale of proposed development at Nairn South the longer term allocation at NA9 Nairn South needs to be reconsidered. The Plan text at para 4.37 already acknowledges that longer term development options at Nairn South are largely dependent on the provision of a connection to the proposed A96 (T) bypass. Accordingly, the Council consider that given the Transport Scotland advice that the A96(T) bypass scheme will not deliver a junction solution to serve Nairn South it would be no longer prudent to retain the NA9 Nairn South (long term) allocation. If the reporters consider the change appropriate the Council would support further amendments to any associated text references in the Plan. In reference to the text changes suggested by Scottish Government the Council would support such a change should the Reporters wish to recommend it.

NA8 Nairn South

General Support NA8

Barratt East Scotland & Robertson Homes (01310) - Support for site allocation noted.

Plan Content

Charles Allenby (01232) - In response to comment that requirements for allocation NA8 is not sufficient, the detailed guidance on infrastructural requirements is contained within the NSSM. These have been informed through the preparation of the strategic masterplan as required by the HwLDP. The phasing contained in the masterplan has been guided largely by the significant constraints to utilising Balblair Road as an access towards Nairn. The masterplan sets out clearly the required infrastructural requirements to allow development to progress. Objections also seek the inclusion of phasing requirements with the Plan text at NA8 with suggested different delivery phases and components of mixed use. The Council consider that the consultation to the development of the masterplan has delivered an appropriate scheme of phasing and do not consider that that the delivery of mixed uses should be tied to certain housing phases. Generally in mixed use developments the associated uses are delivered after establishment of residential development builds demand for business\retail development. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

John Gordon & Son (01031) - In relation to comment that the recent refusal of a proposal for 319 houses [THC NA8, 11/04355/FUL, Refusal notice] for reasons relating to the capacity and capability of the local road network should be reflected by the removal of

NA8 Nairn South from the Plan. This application is the subject of an appeal to the Directorate for Planning and Environmental Appeals (DPEA) Case No. PPA-270-2097. The appeal Reporter indicated that the hearing session will consider primarily issues relating to the capacity and capability of the local road network and the sufficiency of the road improvements proposed by the appellants to accommodate the development and mitigate against its impacts.

Planning applications – Planning Refusal

John Gordon And Son (01031), John Flett (04473), R & A Morrison (04513), J Pullinger (04519) - The planning application (11\04355\FUL) for 319dh was presented to the PED committee on 18th Sept 2013 with a recommendation for approval, but was refused as a committee decision with the following grounds of refusal; “The roads infrastructure will not support the development. The Cawdor Road Railway Bridge underpass will not accommodate the additional traffic created by the Development and Balblair Road is still single track in places.”

The application is currently the subject of appeal with the Directorate for Planning and Environmental Appeals (DPEA) Case No. PPA-270-2097.

Planning applications – Pending

Charles Allenby (01232), John Gordon & Son (01031) - A further application for Planning Permission in Principle for Mixed use development including community facilities/local neighbourhood centre including Class 1/2/3 uses: 250 houses, open space, railway bridge for pedestrians and cyclists, landscaping and landscape buffer (13/01276/PIP) remains before Highland Council pending consideration.

Comments regarding the current planning application are noted, however the merit of the application will be determined against the existing policy framework of the HwLDP, It is not for this consultation on the IMFPLDP to make comment on the details of the pending application

Design

Charles Allenby (01232) - The consideration of design is the subject of consideration through a detailed planning application accompanied by a developer produced masterplan that accords with the infrastructural requirements of the Nairn South Strategic Masterplan (NSSM). The HwLDP reflects the requirement for a masterplan to be delivered for each phase of development and also for development to demonstrate the highest standard of urban design in keeping with the historic traditions of Nairn. It may be appropriate to consider introducing these requirements into those of IMFLDP for sites NA8 and NA9. If the Reporters consider that clarification would be appropriate then the Council would be content with the suggested additional developer requirements.

Compliance with Guidance - Nairn South Strategic Masterplan (NSSM)

General

Nairn West Community Council (00365), Nairn West, River & Suburban Community Councils - joint comments (04216), Charles Allenby (01232), Barratt East Scotland & Robertson Homes (01310) - Objections to the Plan consider that the recent refusal of the

planning application (11\04355\FUL) for 319dh on the grounds of deficiencies in the transport network should be reflected in the guidance and that the guidance should deliver greater clarity on requirements for the development of the site. The Nairn South Strategic Masterplan (NSSM) has been specifically prepared to guide development at Nairn South. The document sets out the main considerations and developer requirements for development within the site. The masterplan builds upon the requirements of Policy 18 of the Highland-wide Local Development Plan and guides the initial stages of development, providing a spatial framework for the provision of housing, employment opportunities, associated infrastructure, facilities and services. The masterplan clearly identifies the main triggers for supporting infrastructure to enable the progression of each phase of development.

Consultation undertaken in the preparation of the masterplan involved the circulation of the draft masterplan to all interested parties for comment and also attendance and presentation to a joint Community Council meeting of Nairn River, West and Suburban community councils on January 23rd 2013. A number of meetings were held individually with each of the landowner interests as well as a joint facilitated workshop which was held in August 2012. All the landowner interests at Nairn South –Mr Allenby; Mr Forbes (represented by a consortium of developers – Barratt, Robertson and Scotia Homes); John Gordon & Son Ltd (sawmill); and the 3 urban Community Councils submitted comments to the consultation and considered prior the approval of the Nairn South Strategic Masterplan (non-statutory guidance) as a material consideration for development management purposes by the Highland Council, Planning, Environment and Development Committee at their meeting of 15 May 2013. It should be noted that the NSSM was delivered in support of the allocation as required by the HwLDP.

As indicated above, the transport assessment underpinning both the application and the NSSM will be the subject of further scrutiny at the pending appeal of the application, DPEA Case No. PPA-270-2097. The outcomes of the Appeal may impact on the transport elements contained in the NSSM. Therefore, the Council consider that the Reporters will need to consider these outcomes in their consideration of this issue. Once the outcome of the appeal is known, the Council would be happy to respond to a request for further information in respect of the Council's position.

Delivery and phasing

Nairn West, River & Suburban Community Councils - joint comments (04216) - The Nairn South Strategic Masterplan (NSSM) sets out the phasing for progression of development taking account of the restrictions of adding further traffic to Balblair Road. The development of the site has to be phased from Cawdor Road westwards to allow the progression of the necessary access infrastructure to take place on Cawdor Road. Until there are road/pavement and junction improvements on Balblair Road (to improve pedestrian/cyclist safety) traffic movements using Balblair Road are to be restricted. The earliest phases of development would take access from Cawdor Road reflecting existing residential development in this location. This option presents the most natural and only feasible order of development progression. The NSSM however requires the early delivery of a link road towards Balblair Road to allow progression of development to the west of the site.

Pause and Review

Barratt East Scotland & Robertson Homes (01310) - The requirement for a Pause and

Review of development to assess traffic impacts on the road network was introduced by Members as part of the approval of the Nairn South Strategic Masterplan on 15 May 2013 and as such was not the subject of consultation.

NA9 Nairn South (long term)

General Support

Barratt East Scotland & Robertson Homes (01310) - Support noted.

Development potential

Laurie Fraser (00561) - In regard to issues raised questioning the potential to deliver longer term development at NA9 Nairn South, the IMFPLDP already acknowledges at para 4.37 of the supporting text that the potential of longer term development at Nairn South is largely dependent on the delivery of a junction to provide a direct connection to the future A96 (T) and alleviate current concerns regarding the cumulative impact of development on Nairn's internal road network.

In light of the most recent consultation and objection from Scottish Government that a junction to serve development at Nairn South is not to be delivered, raises doubts over the longer term potential to fully develop all land identified through the Highland-wide Local Development Plan at Nairn South. Given the overall scale of proposed development at Nairn South the longer term allocation at NA9 Nairn South needs to be reconsidered. The Plan text at para 4.37 already acknowledges that longer term development options at Nairn South are largely dependent on the provision of a connection to the proposed A96 (T) bypass. Accordingly, the Council consider that given the Transport Scotland advice that the A96(T) bypass scheme will not deliver a junction solution to serve Nairn South it would be no longer prudent to retain the NA9 Nairn South (long term) allocation. If the reporters consider the change appropriate the Council would support further amendments to any associated text references in the Plan. In reference to the text changes suggested by Scottish Government the Council would support such a change should the Reporters wish to recommend it.

It is not considered by the Council that the removal of NA9 Nairn South (long term) will affect the overall balance of housing supply and demand across the wider Nairn Housing Market Area.

Compliance with Policy, guidance and phasing

Barratt East Scotland And Robertson Homes (01310) - The Council consider that commencement of development across all phases of NA8 Nairn South should be complete prior to development commences at NA9. The comment that the Council cannot control the completion date of NA8 is noted, however, it is considered that delivery of all key infrastructure improvements should be in place prior to further development to the south. Accordingly, the Council believes the allocation text should be retained without modification in respect of this comment. Given the consideration above in regard to NA9 it should be noted that the Council consider that it would be no longer prudent to retain the NA9 Nairn South (long term) allocation.

Charles Allenby (01232) - In reference to the comment regarding NA9 not according with the phasing set out by the Nairn South Strategic Masterplan, it should be noted that the

NSSM does not directly seek to provide guidance to this allocation and merely refers to the requirement for the delivery of a further masterplan to guide development in this allocation. The IMFPLDP clearly indicates that it does not consider that development at NA9 should progress prior to completion of allocation NA8.

NA12 Sawmill expansion

Sawmill interests

John Gordon & Son (01031) - The Council acknowledge the concerns of the sawmill of development on adjacent land and the potential for impacts on the sawmills future development. The Council have undertaken extensive consultation with the sawmill in order to address their concerns in relation to the preparation of the Nairn South Strategic Masterplan (NSSM). In particular the Council sought to address the concerns of the sawmill in relation to potential issues relating to potential noise complaints from new homeowners. The requirement for adequate noise mitigation measures to be put in place by the developers at Nairn South NA8 is a clear requirement within the Nairn South Strategic Masterplan. The Council sought and received from the sawmill a clear indication of noise levels that may emanate from the sawmill as a consequence of future expansion of the sawmills activities. Developers of Nairn South NA8 are required to deliver noise mitigation measures to address the issue and to achieve the noise criteria as set out in the NSSM, these limits being the subject of discussion and agreement with the noise consultants to the sawmill and the Council.

The NSSM also seeks to address the issue of road capacity at Balblair Road and its current substandard nature for pedestrians and cyclists. The NSSM clearly sets out the requirement for developers at NA8 to deliver improved road widths and provision of safe pedestrian and cycle access north from NA8 to the Cawdor Road junction. It is considered that the Council has sought to protect the current and future activities of the sawmill through the IMFPLDP and the NSSM. The final route of the A96 (T) bypass route and junction strategy may lead to a requirement to reconsider access issues for the sawmill, the Council will monitor the implications of this subject to confirmation of the route by Scottish Government.

Boundary definition

Charles Allenby (01232) - The boundary defined for the future expansion of has been carried forward from the existing Nairnshire Local Plan (2000). There is a requirement to provide the sawmill with certainty as to the extent of development land that future activities should extend to. The Council considers that it is appropriate to maintain the defined extent for future sawmill expansion. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Reporter's conclusions:

General

1. With regard to comments on the plan preparation, I am satisfied that the plan has been prepared in compliance with current legislation. The Inner Moray Firth Local Development Plan (IMFLDP) follows the preparation, examination and adoption of the Highland-wide Local Development Plan (HWLDP). As noted in this examination report at Issue 2 the

estimates of population growth, and hence the land supply requirements, specified in that plan were adopted in 2012. Despite economic recession in some of the years since 2008 and a general slowdown in the rate of development, particularly housebuilding, during that time the overall estimates for the long term land supply needs for the area in the HWLDP are considered appropriate. The context for the IMFLDP examination of the plan proposals for Nairn is therefore to look at the constraints applying to the growth of Nairn and to specific issues likely to arise with the future development of the allocated sites.

2. The concept of the Inverness – Nairn growth corridor as contained in the overall strategy of the plan is taken to be the appropriate implementation of the adopted HWLDP. That strategy implies the growth of Nairn, in addition to the other targeted growth areas at Cawdor, Croy, Tornagrain and East Inverness. I do not consider significant modification of the land supply targets for the short to medium term (10 years) period of the plan appropriate. In line with Scottish Government requirements the plan also contains long term land supply targets at Nairn South beyond the plan period with a view to establishing certainty and to encourage long term investment. I consider this separately at NA8, and NA9 below.

3. I agree with the council that the purpose of allocating sites is to provide a clear, generous supply of land where the principle of development has been established through the local development planning process. Whilst each planning application is considered on its merits there also a legislative duty to consider any proposal in the light of the policies of the adopted development plan. There is also a presumption in favour of development which complies with the IMFLDP and the development policies of the HWLDP.

4. I also consider it implicit that the necessary infrastructure requirements for community resources like schools, and for physical infrastructure in roads, footpaths, cycle ways, water supply and sewage disposal will be integral to bringing forward individual sites for development. Separate reference is not therefore needed in the Nairn introductory text and should only form part of the site requirements where there is a special or particular prerequisite for development. In this context however I note the suggested amendments to the text by Scottish Water. The council are prepared to accept these and I see no reason to disagree. I also agree with the council that representations about water pollution of the river or beaches is a matter for Scottish Water or the Scottish Environment Protection Agency and not for modification to the text of the IMFLDP.

5. With regard to the on-going consultation requests from the community councils I note the Highland Council's on-going commitment to consultation, and sorting out anomalies in the handling of neighbour consultation, in the implementation of the plan's proposals and preparation of the necessary masterplans for some of the larger development areas. I do not consider that further comment on this process is required in the plan text. I agree with the council that the provision of three project officers to further this work is an operational detail not appropriate for noting in the IMFLDP.

6. With regard to town centre regeneration this is clearly a major issue for the residents of the town. There are many references to the poor state of the town centre and the need for its regeneration. The plan itself in the introductory text is somewhat light in prescriptive analysis of the reasons for this or on remedial action. Whilst I note the commitment in the text with respect to site NA7 to 'development in accordance with the Nairn Town Centre Development Brief' there is no mention of the Action Plan work undertaken with the community councils noted in the council's response for this examination. I recommend

modifying the plan text to clarify this issue and to note the council's intention to include regeneration of the harbour and waterfront areas.

7. With regard to generating employment, projections for employment and business growth in the Inverness – Nairn corridor are identified in the HWLDP. These have been carried forward into the IMFLDP with growth identified for the sites around Inverness Airport, Tornagrain, Inverness Campus and Ardersier Port at Whiteness. Further job opportunities are predicted from the development of the land around Nairn itself on sites NA4, NA6, NA7, NA8 and NA9 which are allocated for a mix of uses including employment and business opportunities. The plan allocations for these employment generating activities are planned to generate jobs on a phased timescale keeping pace with the projected increased population within the Inverness – Nairn Growth area. This is in line with the HWLDP and the National Planning Framework which seeks to promote Inverness Airport and the employment opportunities which are planned for the nearby Inverness Airport Business Park.

8. I note the council's commitment to ensure adequate safeguards are in place to protect the current and future prospects for Gordon's Sawmills and the employment which it offers to local people and I comment on this further at site NA12 below.

9. With respect to the many representations about provision of a Nairn By-pass I note that Transport Scotland have now published their preferred route. This is for a dual carriageway running from a junction east of Nairn across the southern edge, beyond the built area and the proposed long term growth areas of NA8 and NA9 to a junction west of Nairn. I note the council's reference to working with Transport Scotland to ensure that proposals for the improvements to the A96(T) ensure local road connections are maintained as required. However the by-pass is unlikely to have a junction serving Nairn South. This undoubtedly has serious implications for the Nairn South development strategy which was largely predicated on the need for the Nairn South development sites, particularly NA9, to have direct access to the south onto the future by-pass to prevent increased traffic congestion on the roads into Nairn town centre. I deal with this issue in more detail under sites NA8 and NA9 below.

10. With respect to representations on the need for modification to emphasise the natural heritage and the importance of tourism I note the council's response. The council refers to the content of Chapter 3 Strategy for Growth Areas as outlining the plan's provisions for a safeguarded but accessible natural environment. Other than where this has a direct impact on the developer requirements for any particular site there is no further significant mention of it. Similarly the role of tourism is largely restricted, in the case of Nairn, to a single mention in the introductory description for the settlement. The council rely on the policies of the HWLDP as the basis for ensuring the sustainable growth across the Inverness to Nairn area whilst identifying and protecting those landscape and wildlife assets which are important both to maintaining a sustainable environment and a vibrant tourist industry.

11. The development policies in the HWLDP would protect the countryside from sporadic development and ensure that the growth necessary was directed to sustainable locations. With respect to the tourist potential of Nairn itself I consider that the town centre masterplan and the subsequent action plan referred to above together with appropriate references in the site requirements sections should be sufficient to ensure due cognisance of the need to enhance the tourist potential of the historic town centre, the harbour and the waterfront areas. Regarding the request from the Nairn Kayak Club to have further

development of the Harbour area, there is no real objection to this from the council. Rather than a modification to the plan text specifically to cover this point I regard it as covered by recommended amendment to the text regarding the town centre, harbour and waterfront area above.

New sites previously considered

12. Sites are allocated in the IMFLDP to provide a generous land supply for the period of the plan and in certain circumstances to provide an indication of the longer term areas for growth. These allocations are intended to meet the land supply targets of the HWLDP adopted in 2012. Additional land will at this time generally not be required to meet the requirement for the plan period. My conclusions with regard to site NA9 below would however reduce the long term land supply below the requirements of the HWLDP. As noted in the examination of Issue 2 this is not considered critical as there is a generous supply elsewhere in the plan area. Additional sites previously considered may have merit in any subsequent review of the plan or have serious impediments to their development which effectively rule them out.

13. The site at Fort Reay, proposed by representation to be included, would result either in significant tree loss or such a set back of the development area that it would have very little potential left for additional housing. Whilst I note the need for a flood risk assessment there is no suggestion that this would necessarily prevent development. A greater problem is the need for access improvement which is dependent on the development of NA4. As this is only anticipated in the plan in the medium to long term it effectively rules out the inclusion of the site at Fort Reay within the plan period.

14. The site at Househill, previously considered would not be able to access the proposed A96(T) Nairn by-pass as previously anticipated. In consequence it would not be accessible for development within the plan period.

New Sites not previously considered

15. Although within the Nairn Housing Market Area the loss of site NA9 will result in a small long term shortfall in available housing land supply, over the whole plan area there is a generous land supply over the plan period. At this time there is therefore no pressing need to anticipate difficulties with the development of NA6 at Delnies nor in consequence to allocate additional land which has not been subject to the earlier consultation stages of the plan.

16. Similarly the site at Torwood has not been subject to consultation and lies outwith the development area of the town, in open countryside. There is no need for this land to be allocated for development at this time.

Nairn – Allocations NA1 to NA7, NA10, NA11 and NA13

NA1: Former Showground East

17. Representations mainly object to development of the site for housing. The Nairnshire Farmers Society are seeking a larger showground and investigating a number of options which include realising the development potential of the site for housing to assist with this project. There appears to be no restriction in title which would prevent such a change of use. There also appears to be no real expectation from representations that the site can

remain in its use as a showfield for the Nairnshire Farmers Society while it fails to meet their needs.

18. It is the council's view that traffic issues could be resolved with improvements to the junction at Lodgehill Road. Although this is recognised as problematic it is identified in the site requirements as necessary.

19. Were it to be reallocated as protected open space it would not meet the need to realise the development value of the site in contributing towards a replacement larger showground. The council considers that the need for open space can be met by the existing adjacent remainder of the showfield which is protected open space. This however would benefit from enhancement of the facilities particularly a new football pitch. This requirement is noted in the developer requirements statement in the plan. I note the council's view that the need for a Section 75 planning obligation could be noted in the plan. I consider that the need for the new football pitch is adequately referred to as a pre-requirement in the plan. A Section 75 may or may not be the most appropriate means of achieving this and it would therefore be inappropriate to pre-judge the issue at this time. In consequence I consider that the allocation should remain unmodified.

NA2 South of Kings Steps

20. The principal concerns raised by representations are the principle of building on the east side of Nairn prior to the provision of a by-pass to siphon off commuter traffic bound for Inverness, the density of development, the impact on existing roads and junctions of the traffic generated and the potential for flooding.

21. The preferred route for the Nairn By-pass of the A96 has been published by Transport Scotland. It is anticipated that the programme for its implementation will be actioned well within the timescale of the plan. This would give the possibility of commuter traffic generated to access the by-pass to the east of Nairn without negotiating the town centre. Access along the existing narrow road from the A96(T) junction is identified as a problem as is the access either through the existing development at Lochloy, or in conjunction with it providing an alternative to the single access to the Lochloy site which currently exists.

22. Neither the plan narrative nor the council's submission above gives any real solution to this recognised problem. I accept however that any subsequent planning application would have to be accompanied by a traffic assessment the conclusions from which could seriously affect the number of houses which the development could safely carry. The same doubt exists over the number of houses able to be accommodated without exacerbating any flood risk. I note that the plan also requires a flood risk assessment. These two matters appear fundamental to determining the site capacity which the council accept may fall below the indicative 90 houses. For clarity both to the local community and to prospective developers I consider this uncertainty should be reflected in the plan requirements narrative and in consequence I recommend below an appropriate amendment to the plan.

NA3 Achareidh

23. The site occupies a significant area of land (17.9 ha) surrounding the 'B' category listed, Achareidh House. It is clear from the representations that there is a degree of local confusion over precisely what the council is allocating the site for. The allocation for only

6 houses when viewed against the area of the allocated land would produce an extraordinarily low density. It is not clear to what extent this will be a conservation and conversion project or the introduction of new build houses onto the land. I appreciate that the expressed concerns regarding loss of open space, access and traffic generation as well as the protection of wildlife can be accommodated by the requirement to have a masterplan prepared in consultation with the local community. The council are not averse to the eventual capacity of the site for development being determined by that masterplan prepared in consultation with the council's historic environment team. I agree this would be a sensible way forward but I consider that this potentially large constraint on the development of the site should be made clear to any prospective developer in the requirements section for the site.

NA4 Sandown

24. The site was identified in the HWLDP for development. It is currently subject to an adopted development brief and there is a requirement for a detailed masterplan which the council will ensure is prepared in consultation with local people and organisations. That masterplan may be adopted as supplementary planning guidance. I am therefore confident that all of the outstanding concerns over the details of the proposed development can be accommodated by this process. I also note the relationship between the partial redevelopment of the former showground at NA1 and the need to accommodate if possible the need for a replacement showground on this site. These matters are also more appropriately handled at the master planning stage rather than being detailed in the development plan. In consequence I see no reason to modify the plan in respect of this site.

NA5 Lochloy

25. The site was allocated in the HWLDP and is partially developed. The school site has been declared surplus to requirements and is being incorporated into the wider development area. The concerns about the development of this site are naturally similar to those expressed about the development of NA2 above, namely the principle of developing east of Nairn, aligning the boundary to that in the HWLDP, the access along Lochloy Road, access to the A96 and the need for a footbridge over the railway, and the additional concern for the protection of woodland.

26. The development of the site was identified in the HWLDP and is currently under way. I consider that the principle of development has been established and that within the plan period there will be the opportunity for access onto the Nairn by-pass without commuting to Inverness through the town centre. The boundary has been amended from that in the HWLDP to align with the Lochloy planning permission (13/03759/FUL). I note the council's efforts to utilise developer contributions to secure a footbridge over the railway to improve pedestrian access to the Balmakeith retail park. I also note that transport assessments did not identify the need for a similar new vehicular crossing to the A96(T) though efforts to improve the A96/Lochloy Road junction are continuing. The reduction in through traffic into Nairn along this route resulting from the provision of the by-pass could in any case resolve the problem in the longer term.

27. As regards the loss of woodland, although the Woodland Trust indicate that the site has been wooded for some considerable time there is no convincing evidence that it is an ancient woodland. In consequence the council has taken the view that any woodland loss caused by the development should be subject to a requirement for compensatory

replanting. In the context of a site allocated in the HWLDP, subject to an extant planning permission and where development is already taking place the council's approach is appropriate.

28. I note the council's suggestion that they would be happy with a modification to clarify the need for compensatory planting; further assessment of the adequacy of existing access arrangements; provision of unencumbered access to NA2 South Kingsteps and consideration and contribution to delivery of pedestrian/cycleway bridge across the railway. These matters are all alluded to in the requirements section of the site entry in the plan already. Given the advanced state of negotiation between the developer and the council I do not consider that further elaboration of these requirements would serve any useful purpose. In consequence I do not consider that the plan should be modified with respect to site NA5.

NA6 Delnies

29. The site was contained in the HWLDP and forms a key part of the housing land supply calculations of that plan. Conditions have not changed significantly since the adoption of that plan I therefore consider the housing allocation of 300 houses to be appropriate. I note that the site is also subject to an application for planning permission in principle which details the plan allocation for a range of uses including housing, leisure, hotel, golf course, community woodland and Country Park. This very large range of uses and development projects are envisaged as being tied to a detailed phasing plan setting out the exact sequences of development for each proposed land use.

30. Clearly the development of the site is moving forward. It offers an opportunity for early provision of housing not dependent on the Nairn by-pass as well as an opportunity to reinforce the tourism and leisure offer of Nairn. I note the council's comment about including a wider range of potential uses in the requirements section of the plan and to refer to activities outwith the allocated site. Such alterations would apply to the particular range of uses, the subject of the current planning application. The local development plan however covers a longer timescale and must remain relevant if current proposals are not implemented. The range of uses currently specified includes the capacity to approve a similar scheme to that currently before the council without any alteration. Development outwith the allocated site would be in open countryside and subject to the development policies of the HWLDP. References to possible development outwith the allocated site in the requirements section would simply confuse and possibly fetter the council's discretion in implementing the HWLDP development policies with respect to any subsequent planning application. I therefore consider that there should be no modification to the plan with respect to the NA6 Delnies allocation.

NA7 Town centre

31. The Association of Nairn Businesses seeks curtailment to any expansion of out of town retail as necessary to revitalise the town centre. They also seek an increase in town centre residential accommodation, and a more flexible use of town centre buildings to permit a range of community, education and enterprise activities to revitalise the centre. Community councils take the view that a higher priority should be given to the regeneration of the town centre rather than seeking more edge of town housing, and consider that the town centre should be viewed as a larger area than that encompassed by site NA7. The centre of town should encompass the parking areas surrounding the shopping centre and include the harbour and waterfront areas in any regeneration

strategy.

32. The regeneration of town centres is a complex issue which is being tackled by the council in a number of different ways. I note the existence of the Town Centre development brief, and the masterplan (2011). These are however rarely static documents which maintain their validity for the longer time scale of a local development plan. They need to change and respond to opportunities as well as changing trends in the retail and leisure markets. The council is moving towards developing a wider action plan for the town centre, harbour and waterfront areas to respond to their particular regeneration needs. In that context I consider that the requirements description of site NA7 offers sufficient clarity on the council's intentions for the site as well as maintaining the flexibility to implement the masterplan and action plan. I therefore consider that there should be no modification with respect to site NA7. Matters relating to the out of town retail park are considered at NA13 below.

NA11 Balmakeith

33. The need for a new vehicle connection from Lochloy Road and the new development there to the A96(T) has not been identified in the traffic assessment supporting development of that site. I note the council's aspirations for a new developer funded footbridge over the railway to improve access to the new housing at Lochloy as stated in the plan requirements. Whether this takes the form of a developer contribution, unilateral undertaking or planning obligation would depend on the circumstances relating to the particular development proposed and the likely implementation of the footbridge project within the plan period. I therefore consider the requirements text should remain in its current flexible format without modification.

NA13 South of Balmakeith

34. The statement in the plan makes clear that this site has an extant outline planning consent. Subsequent development of the remaining part of the site will therefore be controlled by that consent which stipulates restrictions on the sales from non-food units. Further description within the plan would serve no useful purpose.

NA8 Nairn South, NA9 Nairn South (long term) and NA12 Sawmill Expansion

35. The development of the three sites at Nairn south for a mix of 930 homes, business, community and industrial uses is the most problematic development issue facing the town. The development of the town southwards in the medium to longer term is critical to achieving the land supply requirements of the HWLDP wherein the Nairn South development allocations were given qualified support.

36. The principle concerns qualifying this support were the uncertainty over access to the proposed A96(T) Nairn By-pass, the implications for increased traffic on the B9090 through the current traffic bottleneck at the railway bridge on Cawdor Road and a range of issues related to drainage and heritage protection. The development was also seen as needing careful phasing to ensure that demand from the new houses matched the available infrastructure. It was envisaged that identifying both the constraints and infrastructural requirements for this town expansion would be included in the developer produced Nairn South Strategic Masterplan. The masterplan would be the vehicle for full assessment of the sites' capacity and necessary phasing of development. The IMFLDP capacity allocations for sites NA8 and NA9 are currently based on the analysis from the

masterplan.

37. NA8 is envisaged to meet the land supply requirements within the plan period and there is clear indication that NA9 is envisaged as a long term option. The inclusion of NA9 as a long term option outwith the immediate 10 year plan period is to give investor confidence that it will be brought forward for development at such a time as the access to the proposed Nairn by-pass is available and in consequence its development would not result in unacceptable congestion in the town centre arising from the expected commuter traffic heading to and from Inverness. Expansion of the sawmill at site NA12 would also benefit from improved linkage to the proposed by-pass or onto an improved local road network.

38. A critical component of the Nairn South Strategic Masterplan was therefore a connection to the A96(T) Nairn by-pass. The preferred route of the by-pass was published by Transport Scotland for comments, closing on 28 November 2014, with a view to publishing formal orders for comment early in 2016. No junction serving Nairn South is currently proposed by Transport Scotland. This likely scenario was made clear in the Transport Scotland representation on the IMFLDP and noted by the council earlier in this Schedule 4 report. In response to my further information request to them Transport Scotland accept the theoretical possibility of a developer funded junction at some stage in the future but they appear to consider this unlikely. The council also considered this option to lack economic viability. This has critical implications for the relevance of the Nairn South Strategic Masterplan and the future inclusion of development sites NA8 and NA9 in the IMFLDP, the implications of which I consider in more detail below.

39. Transport Scotland recommended deletion of the reference at paragraph 4.37 to vehicular access to the proposed A96 trunk road by-pass, favouring the less precise requirement for '*Longer term development options at Nairn South are largely dependent on developers agreeing and delivering suitable improvements to the local road network.*' For the sake of clarity with respect to the A96(T) Nairn by-pass I consider this a sensible modification which I recommend below.

40. The development consortium of Scotia Homes Ltd, Barratt East Scotland and Robertson Homes Ltd in their response to my further information request to Transport Scotland and the council on this issue are very supportive of this modification considering it flexible enough to enable a feasible solution to the potential access problems to be found. In this context they consider the Nairn South Strategic Masterplan, and the IMFLDP allocations at NA8 and NA9 to be sound. This is not a view shared by the council who make very clear in the Schedule 4 comments above that in the event of a by-pass junction not being possible site NA9 should be deleted from the plan. In their submission in response to my further information request they are also very clear of the need to revise the Nairn South Strategic Masterplan, to clarify the infrastructure requirements and to better understand the scale of development that would be acceptable. I consider the detailed implications of this approach in the examination of sites below.

41. Representations on other general comments relating to woodland protection, access to Duncan Drive and most of the detailed modification requests not directly related to the strategic site allocations at Nairn South are matters more appropriately detailed in the Nairn South Strategic Masterplan or at the planning application stage of development.

NA8 Nairn South

42. This site is envisaged in the plan as providing 520 homes, business and community uses within the plan period. The plan clearly states that this development will be in accordance with the Nairn South Strategic Masterplan and lists the elements of that masterplan which will guide the content and phasing of future development. There is local controversy over the scale of HWLDP development proposed for sites NA8 and NA9. The principle of development for these sites has however been established by the HWLDP. There is recognition in the masterplan that there are key issues of access yet to be resolved.

43. A recent planning application for 319 homes covering part of the area of site NA8 was refused by the council and dismissed on appeal. Whilst part of the reason for dismissal related to the lack of a mix of development in compliance with the requirements of the HWLDP part of it was the problem of increased traffic flow through the difficult junction at the railway bridge at Cawdor Road and the consequent difficulty of accessing the town centre for road users and pedestrians. With regard to the development consortium's representation on this decision I do not give great weight to the officer's recommendation for approval of the planning application preferring to consider the position of the council and the decision of the reporter of greater weight.

44. Despite the recent appeal decision the Council considers that the principle of development of site NA8 remains acceptable. However they now consider that for the allocation to remain in the plan there is a need to revisit the plan requirements including the need to revise the Nairn South Strategic Masterplan. This is required to clarify the infrastructure requirements and to better understand the scale of development that would be acceptable. The council conclude that in arriving at this view they have taken account of the recent refusal of development for part of site NA8 and the likely omission of a junction to serve Nairn South from the proposed A96(T) bypass. The council consider that a revised Nairn South Strategic Masterplan will need to identify the various transport issues affecting the site and the level and scale of transport improvements required to facilitate development on the site. This work must also identify the appropriate scale of development and review the content and scope of the issues contained in the existing masterplan, as well as allowing for further community consultation.

45. There is no convincing evidence that the underlying reasons for the development of site NA8 have radically changed since adoption of the HWLDP. There remains a need for housing land supply for 520 homes in the plan period. There is still the need for a development on this scale to incorporate a range of different uses to enable it to offer a range of homes, business and community opportunities. There are clearly problems with bringing this site forward for development early in the plan period, but there is no reason to presume that these are insurmountable difficulties.

46. I consider the council's suggested approach of revisiting the Nairn South Strategic Masterplan and seeking to incorporate it as supplementary planning guidance as a sensible and realistic approach. I agree with the council's suggested redraft of the requirements section of the entry for site NA8. I still consider that it needs to give an indicative housing supply figure of 520 homes to enable clarity with respect to meeting the HWLDP targets for a generous housing land supply. In this I recognise that the reassessment involved in the redrafting of the masterplan may lead to a revised number of homes. Whilst the requirement to complete and adopt the revised masterplan before considering further planning applications would slow down development in this case it

would be the prudent approach to avoid abortive proposals which could not resolve the inherent constraints to development.

NA9 Nairn South (long term)

47. Current indications are that there is unlikely to be a Nairn by-pass junction which can serve this site directly. I note that the plan seeks linkages to the A96(T) Nairn by-pass. Whilst it is conceivable that such links could be achieved in other ways by augmenting the local road network, as suggested by the development consortium, there is no convincing evidence that this is a feasible option in the plan period. Even taking into consideration that the site is envisaged as a long term reserve supply of housing land there appears little prospect of it being effective. If the work to revise the Nairn South Strategic Masterplan noted above were to identify a feasible solution for handling access without the need for direct connection to the A96(T) Nairn by-pass, or if the likelihood of such a junction increased, it could be reintroduced in a subsequent review of the local development plan.

48. I note the council's view that in the light of recent decisions they consider the allocation at NA9 to be inappropriate and suggest a modification to delete it. I also note the council's assertion that the deletion of the site will not significantly affect the overall balance of housing supply and demand across the wider Nairn Housing Market Area. The long term loss of 410 homes will result in some shortfall in the projected demand but I note that across the IMFLDP area as a whole there is intended to be a generous supply of allocated land. Bearing in mind that the current recession will have temporarily reduced short term demand I do not consider that the removal of the site from the plan will adversely affect the long term land supply situation. In consequence I recommend deletion of site NA9 from the plan. As the site is on the periphery of the developed area of the town its removal should be accompanied by a realignment of that boundary to avoid confusion over its suitability for development under the development policies of the HWLDP.

NA12 Sawmill expansion

49. The plan clearly makes provision for the expansion of the sawmill activities. The need for this expansion is widely supported in representations however John Gordon & Sons, the sawmill operators are concerned to ensure that the proximity of housing development on site NA8 to the noise of a working sawmill does not inhibit future expansion plans. The council are confident that remediation measures are possible and that the responsibility for these lies with the developer of site NA8. These are matters which have been visited in the preparation of the Nairn South Strategic Masterplan and will undoubtedly be revisited in the revised masterplan noted above for the development of site NA8.

50. With the dismissal of the need for a Nairn south junction in the preferred option for the A96(T) Nairn by-pass access to the site via the existing road network is of increased significance. I note that the council consider that the revised Nairn South Strategic Masterplan should revisit the need for the developers of site NA8 to deliver improved road widths and the provision of safe pedestrian and cycle access north from site NA8 to the Cawdor Road junction and to address the general issue of road capacity at Balblair Road.

51. Through this and the retention of the land for future expansion identified in the former Nairnshire Local Plan the council seeks to protect the current and future activities of the sawmill. In consequence I do not consider modification of the plan with respect to site

NA12 is required.

Suggested modifications

52. There are a great number of suggested modifications for the Nairn issue. These relate mainly to details of the wording in the descriptive preamble or in the site requirements. Where these would have significance in clarifying the council's strategy for the town or the implementation of development I have included them. Most however relate to detail better included in the various site or town centre master plans referred to in the plan or are matters which form part of the planning application process.

Reporter's recommendations:

It is recommended that:

1. Paragraph 4.34 be replaced with the following: 'The town centre, lying to the west of the river has declined in recent years. Its regeneration to serve the needs of the growing town is a high priority. The council will work with the local community to implement the Town Centre Masterplan published in 2011 through development of an action plan to highlight options and mechanisms for funding and delivering regeneration of the town centre, harbour and waterfront areas.'

2. The last sentence of paragraph 4.39 be ended at '.....settlement' and the following additional sentence added: "Whilst capacity exists currently, the cumulative impact of all proposed development within the overall plan on shared treatment assets makes it necessary for early engagement to take place between developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."

3. The following sentence be added to NA2: Requirements: 'The required traffic and flood risk assessments may impact on the capacity of the site reducing the housing capacity below the currently projected capacity of 90 houses.'

4. The following sentences be added to NA3: Requirements: 'Constraints to development identified by the masterplan will have a significant effect in determining the numbers of houses able to be accommodated on the site.'

5. The last sentence of paragraph 4.37 be replaced with 'Longer term development options at Nairn South are largely dependent on developers agreeing and delivering suitable improvements to the local road network.'

6. The requirements text for site NA8 be replaced with the following: "The Council will prepare a new Nairn South Strategic Masterplan that the Council may adopt as Statutory Guidance, setting out physical development considerations and requirements including transport requirements in terms of vehicular, pedestrian and cycle access to both the Town Centre and the wider area; connectivity within the site; green network and footpath/cycleway connections; phasing; open space provision and developer contributions. Applications only to be considered following adoption of the revised masterplan. Developers will be required to produce a transport assessment addressing deficiencies in the transport network in line with the adopted masterplan. Further requirements notably include landscaping; flood risk; provision of a recreational access

management plan; consideration of potential heritage impacts; and the avoidance of any adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar (see para. 4.40).

7. Site NA9 be deleted, and excluded from the settlement development area.

Issue 20	Tornagrain	
Development plan reference:	(Para 4.42, Page 68)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Cathy Stafford (00511) Charles Riddoch (04182) Woodland Trust (04364)	Medco Ltd (04414) Scottish Council for Development & Industry (04485)	
Provision of the development plan to which the issue relates:	Tornagrain	
Planning authority's summary of the representation(s):		
<p><u>TG1 Tornagrain</u></p> <p><u>General</u></p> <p>Cathy Stafford (00511) - Objects to the inclusion of the bullet point, 'Proximity to Inverness Airport Business Park providing employment opportunity' and ask that this bullet point be withdrawn. Object to the assertion that the Inverness Airport Business Park, IABP, will be in a position to provide employment opportunities locally given the current state of progress with the venture.</p> <p>Objection highlights extracts from the Committee Report, regarding the Inverness Airport Business Park's financial status, to the Council's Strategic Planning Committee (PED) this year, 2013. Highlights in report relating to the financial position and lack of progress in attracting economic development investment and consequent employment opportunities. Considers in the absence of evidence that employment opportunities will emerge in the 5 year lifetime of the Plan then reference to employment opportunities in the short to medium term should not be included in the Plan.</p> <p>Also objects to the last sentence in paragraph 4.43, also with regard to the reference to 'Emerging employment opportunities at the Airport Business Park and ask that this be replaced with a sentence to state, 'In order to facilitate non-car travel a shuttlebus, for which developer contributions will be sought, will provide a connecting service between Tornagrain and the rail halt at Dalcross.'</p> <p>Charles Riddoch (04182) - Object to any housing development at Tornagrain, it is a peaceful and tranquil area and any additional housing will destroy the ambience of this area.</p> <p>Scottish Council for Development & Industry (04485) - Supports because Tornagrain provides a model for development of a sustainable community.</p>		

Developer requirements

Medco Ltd (04414) - Planning Permission in Principle for Tornagrain has been issued since the Proposed Plan was drafted and therefore the text of the allocation needs to be updated to recognise the requirements of the permission as the key reference point for the detailed schemes, which will come forward on a phased basis.

Woodland loss

Woodland Trust (04364) - The development proposal and allocation of the site does not recognise the nature of the woodland as plantation on ancient woodland and its potential for rehabilitation and enhancement of the development. The Highland Policy on Ancient Woodland is not recognised in the planning statement.

The Highland-wide LDP in policy 57 recognises ancient woodland as (depending on the category) of regional or national importance. The Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced.

The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.

Modifications sought by those submitting representations:

TG1 Tornagrain

General

Cathy Stafford (00511) - Seeks replacement of last sentence in paragraph 4.43 and to the reference to 'Emerging employment opportunities at the Airport Business Park and to be replaced with a sentence to state, 'In order to facilitate non-car travel a shuttlebus, for which developer contributions will be sought, will provide a connecting service between Tornagrain and the rail halt at Dalcross.'

Cathy Stafford (00511) - Seeks the withdrawal of the bullet point, 'Proximity to Inverness Airport Business Park providing employment opportunity' in paragraph 4.42 and ask that this bullet point be withdrawn or the provision of detailed documentary evidence that a reasonable variety of jobs can be provided at the airport site between 2014 and 2021.

Charles Riddoch (04182) - Removal of Tornagrain as an allocation.

Scottish Council for Development & Industry (04485) - Supports because Tornagrain provides a model for development of a sustainable community.

Developer requirements

Medco Ltd (04414) - Developer requirements amended to be brought forward in accordance with planning permission 09/00038/OUTIN and associated masterplan.

Woodland loss

Woodland Trust (04364) - The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.

Summary of responses (including reasons) by planning authority:

General

Cathy Stafford (00511) - The IABP has a planning permission [THC TG1-1 Inverness Airport Business Park approval and boundary plan] in place for the wider development of the Business Park and has recently received permission to provide road access to the first phase of development. Although development of the IABP has yet to formally commence it is not inappropriate to identify the potential for the availability of employment opportunities in the immediate locality of the Tornagrain development. As indicated within the objection the “start-up” of a new business location is likely to take time but this does not mean that there is no progression towards the ultimate aim of attracting business and employment to the Park. It should be noted that the emerging National Planning Framework 3 intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area. It may be appropriate to identify this point within the Transport section of Guiding and Delivering Development chapter. The Inverness to Nairn Growth area is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The Inverness to Nairn area contains a variety of emerging new employment areas, outwith Tornagrain itself, that will provide the economic and jobs growth, these include the Inverness Campus and Ardersier Port (Whiteness).

Accordingly, the Council believes the reference to the Inverness Airport Business Park as a potential source of employment should be retained without modification. If the Reporters feel it appropriate, then the Council would support inclusion of a reference to the upcoming National Development status of Inverness Airport.

Cathy Stafford (00511) - The HwLDP [CD1: Highland wide Local Development Plan, Policy 13 Tornagrain, page 46] set out the requirements for development proposals to provide improvements to the local road network, bus services, active travel linkages and the wider road network. The recent approval of permission for the principle of development of the new town, seeks improvements and contributions towards making these improvements in line with the delivery of development. Amongst the requirements are the provision of bus stop locations and improvements to the public transport service which will provide linkages to the surrounding area.

Charles Riddoch (04182) - The principle of development of the Tornagrain new settlement forms part of the wider development strategy of the area. The principle of a new settlement at this location was confirmed in the adopted Highland-wide Local Development Plan (2012). [CD1: Highland wide Local Development Plan, Policy 13 Tornagrain, page 46] National Planning Framework 2 [THC TG1-2 NPF2 extract, Para. 214, Page 85] identifies the area between Inverness and Nairn as an Area for Co-ordinated Action and the main focus for growth in the Inner Moray Firth. The proposed development at Tornagrain is therefore consistent with Scottish Government’s national spatial strategy for long term development to deliver increased sustainable economic growth. Tornagrain was also chosen as one of the Scottish Government’s Scottish

Sustainable Communities Initiative sites. [THC TG1-3, Scottish Sustainable Communities Initiative – 2 years on]

Developer requirements

Medco Ltd (04414) - It is noted that the Permission in Principle [THC TG1-4, Tornagrain Planning Permission and layout] has now been issued following conclusion of the S75 legal agreement. It is not the intention of the Plan to set out all the individual requirements of the planning permission rather to continue to identify key factors to the progression of development of the site and also provide a hyperlink to the detail of the permission and requirements therein.

Woodland loss

Woodland Trust (04364) - The element of Tornagrain Wood that will be lost to future development is categorised as Long-Established (of plantation origin 2b) [THC TG1-5, Tornagrain Wood – Woodland Inventory map extract] and while it has some ecological value it is of a lower value and not Ancient Semi-natural woodland. In considering the development potential of the site, the value of any trees or woodland would have been assessed on a local, national and international level. While greatest protection is given to features of international and national importance, for locally/regionally important features development can be allowed where it does not have an unacceptable impact on amenity and heritage values. In terms of woodland loss the development is required to provide compensatory planting to provide habitat for wildlife and to establish a setting for the new settlement. The importance of woodland and policies requiring its consideration are identified through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage. [CD1: Highland wide Local Development Plan, Policy 51, pages 102 and 111 respectively]

Reporter’s conclusions:

TG1 Tornagrain

General (00511) (04182) (04414)

1. The National Planning Framework for Scotland identifies the area between Inverness and Nairn as the focus for growth in the Inner Moray Firth Area. This strategy is detailed in the Highland-wide Local Development Plan (HWLDP). The delivery of a new town at Tornagrain forms a key element of the strategy of that plan. It is noted in the policy section of this examination report that the projections for growth and the targets for land supply set down in the HWLDP have only recently been adopted. These targets are therefore considered still relevant for setting the targets for land supply for this local development plan. The housing, retail, business, community infrastructure and other elements of the planned new town outlined in the use description are the single largest element of the Inveness-Nairn Growth strategy and despite the current economic recession I see no compelling reason for its alteration or deletion.

2. The Inverness Airport Business Park is also a key element of the economic strategy of the HWLDP. It has planning permission in principle and elements of the project are under way. There is no convincing evidence which leads me to doubt that it will be a major provider of jobs. I therefore see no reason to remove reference to it as a provider of jobs for the future residents of Tornagrain. I also note the emergence of other local providers

of jobs for Tornagrain at Ardersier Port and Inverness Campus.

3. The need for improvement in transport infrastructure, including bus stops, services and the linkages needed to support the development of Tornagrain, are set down in the HWLDP. I note that the recently completed Section 75 planning obligation seeks improvements and developer contribution to realising these requirements. I consider that the provision of specific links like the bus link to a projected rail halt would form part of the master planning and detailed transport planning for the area. In consequence its absence from the plan description of Tornagrain is not a matter which requires a modification to the plan.

4. I note that the planning permission for the development referred to in the opening sentence of the requirements section has now been approved in principle and is subject to a signed Section 75 planning obligation and masterplan. I agree with the council that it is not intended for the requirements stated in the plan text to set out all of the requirements of this permission, planning obligation and masterplan rather to outline the broad requirements for the future development of the site. For the sake of clarity it would however be prudent to make reference to the updated position in the plan text.

Woodland Trust (04364)

5. I note an element of Tornagrain Wood is categorised as long established and in the view of the Woodland Trust is worthy of protection. Notwithstanding the council's view that this wood is not ancient semi-natural woodland detailed design stages of the development will be controlled by the development policies of the HWLDP which take into consideration the need to protect all woodland, including ancient and semi-natural woodland. Where appropriate these policies should require assessment of those woods suspected of being ancient or semi-natural woodland with a view to establishing a landscape plan for their retention and management. I consider it implicit in the requirements section of the plan that these policies will be applied and that no further clarification needs to be added.

Reporter's recommendations:

It is recommended that the first sentence of the requirements for Site TG1 Tornagrain be replaced with "Development in accordance with the approved planning permission 09/00038/OUTIN, Section 75 Planning Obligation and associated masterplan." Continue as before; 'Further developer masterplans.....'

Issue 21	Alness	
Development plan reference:	(Para 4.46, Page 70)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Water (00396) Albyn Housing Society Ltd (00419) Anthony Chamier (00632) Chisholms Property Development (00893) William Gill (01072) David Shepherd (03949) Victor West (03977) Gary Slupek (03983) Richard Fraser (03986) Gary Morris (04055)</p>	<p>Patricia Clough (04057) Robert Baxter (04141) Sean Danaher (04266) Alasdair Hardman (04275) Pat Munro (Alness) Ltd (04278) Lidl UK GmbH (04356) Wm Morrison Supermarkets Ltd (04400) Veda A McClorey (04481) Johanna Watt (04529)</p>	
Provision of the development plan to which the issue relates:	Alness	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Anthony Chamier (00632) - Believes that the plan should require measures to limit and calm increased traffic in the town centre because: potential adverse impact on amenity in terms of character and attractiveness for business, shoppers and recreational users; current rising congestion levels result in the town centre being unpleasant for pedestrians at peak times; plan supports massive population increase in terms of housing and employment; traffic mitigation requirements are restricted to local access issues; adverse impact on town centre that is possibly the last commercially successful High Street north of Inverness; retain quality of public space that is a meeting place for local people and a focus for social life.</p> <p>Gary Morris (04055) - Asserts that an excessive amount of housing land is allocated in Alness because anticipated significant population increases will not happen as those employed at Nigg and Invergordon are migrant workers on short term contracts. When employment contracts are terminated workers will leave the area, meaning that any occupation of new houses will be limited to a temporary basis.</p> <p>Scottish Water (00396) - Wants to be made clear that there is currently existing capacity at Assynt Water Treatment Works and Newtonmore Water Treatment Works to encourage development but to also make clear that planning for future development is essential to deliver capacity in line with growth.</p>		

New Sites Previously Consulted On

William Gill (01072) - Wishes Main Issues Report (MIR) site reference H8 [CD5, Site H8, Alness, Pages 60-61] to be allocated for housing because: sufficient capacity within schools, water and sewerage systems; would help secure local facilities; would maintain green barrier between Alness and A9; is effective; would ensure allocated sites in Alness are within a number of different ownerships; represents a small scale infill opportunity; lies within settlement boundary; limited housing development and buffer zone is more productive than current farm land allocation; is consistent with Highland-wide Local Development Plan (HwLDP) policies 28 and 34, particularly in terms of accessibility and compatibility with public service provision, existing pattern of development and landscape character.

Asserts that sketch proposal supplied illustrates: 11 detached units similar size to adjacent development at Davis Drive; suitable access from the old A9; substantial buffer between houses and A9 containing planting and 6m access road; development reflective of pattern of Alness at Obsdale Road; adequate garden space [01071/AL General/1].

New Sites Not Previously Consulted On

Pat Munro (Alness) Ltd (04278) - Wants area to the east of AL13 (illustrated as Area 2 in annotated map supplied [04278/AL General/1]) to be allocated for tourism (specifically a caravan park) because: request from Alness community; existing footpath links to town centre and wider countryside would allow users to visit the town centre, historic attractions and the coast; would create new employment opportunities and increase number of tourists to the area.

Pat Munro (Alness) Ltd (04278) - Wants area to north of AL10 (illustrated as Area 6 in annotated map supplied [04278/AL General/2]) allocated for housing because: site previously identified as being ideal for housing; currently negotiating a contract with the Council and an affordable housing provider to provide twelve affordable homes on the site and would contribute to addressing shortfall of affordable homes in the area.

Pat Munro (Alness) Ltd (04278) - Allocate triangle to south west of AL16 (illustrated as Area 5 in annotated map supplied [04278/AL General/3]) for housing to help meet high demand for housing in the area as highlighted in the development plan and to contribute to the economic growth of the area.

Pat Munro (Alness) Ltd (04278) - Wants area to north east of AL14 (illustrated as Area 3 in annotated map supplied [04278/AL General/4]) allocated for business/tourism use (specifically restaurant/country shop and garden centre) because: would create employment opportunities; allow tourists to sample local produce and interpret local history; garden centre aspect would provide much needed facility and would be easily accessible from the A9 trunk road.

East Alness

General comments relating to sites including AL2 Whitehills, AL3 Achnagarron South, AL4 Achnagarron North, AL6 Milnafua Farm and AL7 Blackmuir

Gary Slupek, Sean Danaher, Alasdair Hardman (03983, 04266, 04275) - Object to housing sites in east Alness for one or more of the following reasons provided below:

Excessive scale and unbalanced expansion because allocations on AL2, AL3, AL4, AL6, and AL7 total 693 new homes and large scale expansion is already taking place to east whilst there is no development to the west.

Will result in piecemeal development because: only AL2 and AL6 are required to prepare a masterplan/brief this will result in difficulty in delivering HwLDP Policies 29 Design Quality and Place making and Policy 74 Green Networks.

Ross and Cromarty East Local Plan identified AL3 for amenity and there was previous agreement for 50m 'buffer zone' between north eastern section of AL2 and Mossfield.

Local road network not suitable due to condition of roads, inadequate passing places, no street lighting, no footpaths and no safer routes to school.

Cumulative impact on Mossfield/A9 trunk road junction because: there is an existing road safety issue and poor accident record; inconsistent approach to requirements - no transport assessment is required for AL2 and AL6 but expect that these allocations will also increase pressure at the junction; limited trunk road junction capacity already resulting in increasing delays to joining the trunk road; limited sight lines; mitigation measures limited by private garden ground; difficulty of delivering mitigation may require a separate road from AL3; provision of existing better traffic solutions at Alness Point and Skiach junction also required and no indication of what form of mitigation measures between Mossfield and A9/Rosskeen junction.

Asserts only safe mitigation solutions at A9 Mossfield junction are to create a roundabout on the A9 or a grade separated junction. Believes these solutions would be difficult to deliver because: roundabout would restrict traffic flow where visibility is already limited and grade separated junction would require access roads on both sides of the A9 to service both the anticipated increase in traffic flow, and also the existing increasing traffic volume to and from Invergordon (also to the east of the town of Alness) to replace the existing bridge and access road on one side of the A9 at the 'LIDL/Morrison junction'. Considers that replacement housing allocations to west of Alness should be considered as these may not be constrained by trunk road access. Asserts if sites remain in the plan their density should be reduced to help limit the impact on the trunk road junction.

Other reasons for objecting to the sites are: negative impact on quiet rural character of the area; Mossfield and Achnagarron currently under umbrella 'Invergordon area' in terms of postcode and telephone code and may adversely effect wildlife, specifically deer that use AL4.

Questions what provision of green areas/play parks will be provided in sites AL2, AL3, AL4, AL6 and AL7.

Questions if development would be phased with AL2 and AL6 first followed by AL3 and AL4.

Believes that a more holistic approach should be taken to expansion of Alness, for example a charrette to examine the issues in more detail and present realistic scenarios.

Comments specific to AL2 Whitehills and/or AL6 Milnafua Farm

Pat Munro (Alness) Ltd (04278) - Believes that requirements for AL2 and AL6 should read

'developed in accordance with planning permission V/6770/B/3607/1' because part of the area comes under a 1973 planning permission that was enacted and The Highland Council have agreed that as the permission was enacted the planning permission remains live. Asserts that therefore a masterplan/development does not need to be agreed.

David Shepherd (03949) - Supports AL6 because: infrastructure in place; opportunity to improve amenity (site is currently overgrown and used by fly tippers) and will reduce anti-social behaviour.

Comments specific to AL3 Achnagarron South and AL4 Achnagarron North

William Gill (01072) - Supports because: willing landowner; hope to bring forward development in early course.

Comments specific to AL4 Achnagarron North

Sean Danaher (04266) - AL4 should require 'set back from pylons and associated power lines' because AL3 does and the main grid marches to the edge of this site where the ground falls steeply making development unlikely.

Believes capacity of 48 homes is inappropriately excessive because it is three times the density of existing housing at Mossfield and therefore does not have any relationship to existing housing density and character; seems to be driven by the need to supply housing demand; would be detrimental to the existing community and does not reflect aspirations expressed elsewhere in the planning guidance.

AL5 Dalmore

Albyn Housing Society Ltd (00419) - Believes the plan should not include references to 'improvements to the mini-roundabout' as these have already been dealt with in the planning permission which asks for minor improvements to the approach road to the existing roundabout; current wording creates confusion.

Wm Morrison Supermarkets Ltd (04400) - Supports principle of development if current permission for 24 hour deliveries at Morrison's supermarket is not changed due to proximity to the housing site. Requests that Morrisons are kept updated on progress of the site are given the opportunity to comment approval of matters specified in condition applications regards to any impact on Morrison's' existing operations.

AL8 Willowbank Park

(00893) - Asserts that housing capacity is incorrect because the partially implemented consent referred to within the policy as 04/00223/FULRC is for 21 units. Notes that four units are complete and four are under construction.

AL10 Obsdale Road

Victor West, Richard Fraser, Gary Morris (03977, 03986, 04055) - Object for one or more of the following reasons: impact on Obsdale road where there is no capacity for additional traffic; existing vehicles drive at excessive speeds and create allot of noise negatively impacting the amenity of nearby residents; consider different access, possibly from the A9; would ruin attractive landscape and open space; impact on good farm land that is

required to produce crops to feed an increasing number of starving people worldwide; impact on heritage whereby generations of farmers have contributed to making the field flat and therefore suitable for cultivating; more suitable to allocate alternative housing sites on rough, hilly ground; cannot approach local Councillor for support as her family owns the site; impact on setting, condition and potential for anti social behaviour at nearby Cairn Liath scheduled ancient monument; loss of attractive private view and devaluation of property may result in negative equality and a requirement for the Council to find suitable alternative accommodation.

Questions if there is a requirement for an archaeological survey.

Requests that if site is retained then houses should be sited along the perimeter fence running alongside the road linking Obsdale Road to Milnafua or near the supermarkets to the south; both would result in a lesser impact on private views.

AL11 Achnagarron Farm

Gary Slupek (03983) - Believes that clear definition should be provided for AL11 'community' allocation because unless space is specifically allocated for play area use developers will maximise space for housing development only.

AL12 West of Teaninich Wood

Veda a McClorey (04481) - Objects because: limited demand evidenced by number of existing units vacant; scale of buildings will dwarf nearby houses; loss of good farmland; flood risk from burn; adverse impact on wildlife and need for set-back from burn.

Pat Munro (Alness) Ltd (04278) - Allocate area to south of AL12 and west of AL18 (illustrated as Area 1 in annotated map supplied [04278/AL12/1]) for business and industry because: will allow integrated business/industrial uses at site, AL12 and AL18 and therefore a more viable business proposition; create increased employment opportunities and greater provision for business and industrial expansion.

AL13 South of Teaninich Wood

Patricia Clough (04057) - Objects because: negative impact on amenity to users of nearby footpath network; wildlife such as roe deer, owls, buntings and, recently, polecats use the area; would encourage vehicles to use private access to nursing home which is used by vulnerable persons; potential to damage nearby trees protected by Tree Preservation Order and adverse visual and landscape impact on entrance to Alness, may result in deterring visitors.

Notes that there is a current planning permission for a hotel on the site, questions whether this is necessary as owner of adjacent hotel is concerned an additional hotel will have a detrimental effect on this business.

AL16 Caplich Quarry

Robert Baxter (04141) - Wishes amendment to requirements to include a link to two boundary roads and make access to the A9 by Milnafua the main access to the quarry because: current road safety issues with existing route to quarry that heavy vehicles take; existing route is narrow; would take heavy traffic away from Caplich Road/Obsdale Road

and High street area; was suggested in Jack Holmes Planning Report and would be much safer for other vehicles.

Pat Munro (Alness) Ltd (04278) - Wants expansion of AL16 for industry (illustrated as Area 4 in annotated map supplied [04178/AL16/1]); because entire site was contained in MIR and although the area will be returned to farmland in the future, its current use will be maintained for industry.

Sean Danaher (04266) - Believes there is an opportunity for Caplich Quarry to be an integral part of the Ross-shire Green Network because it could be restored to become a valuable recreation and wildlife resource.

AL17 Alness Industrial Estate

Johanna Watt (04529) - Supports principle of development if it allows amenity to be improved, in particular overhanging boundary trees and bushes that have been blocking access to private residence are maintained and overcomes current fly tipping issue.

AL21 Invergordon Road East

Lidl UK GmbH (04356) - Argues that retail use should be restricted to non-food/comparison goods because: market area comprising Alness, Invergordon and nearby rural areas has a limited population; based on a catchment population of 12,500 this equates to available expenditure convenience goods of approximately £22m, there are already numerous chain and smaller independent stores within the settlements offering a good range and choice of convenience stores that equate to an average turnover of £35-40m pa (based on floor space), therefore already in excess of existing available expenditure. Asserts that if further retail expenditure is supported then it would adversely affect Alness and Invergordon town centres even taking into account the levels of housing expansion supported. Believes that an allocation limited to non-food/comparison retail would assist in reducing expenditure leakage to Inverness as there is currently a limited number of comparison retail in Alness and Invergordon.

Wm Morrison Supermarkets Ltd (04400) - Objects to unrestricted retailing because: lack of evidence of any retail deficiency in the area to inform allocation, this is contrary to monitoring and evidence requirement of Circular 1/2009; established Morrisons supermarket means it is unlikely a further convenience retail development is required; site may not be effective and therefore contrary to Scottish Planning Policy as no firm proposals have been forthcoming since allocation of site in 2007 and conflicts with Policy 1 of the Proposed Plan in terms of promoting and protecting town centre and need for sequential assessment of retail proposals.

Argues that if allocation is maintained then should be restricted to non-food retailing because national policy requires that the plan indicates most appropriate type and scale of retailing; will allow most appropriate retailer to be attracted and to ensure that infrastructure and Morrison's' operating and trading characteristics are not adversely effected.

Modifications sought by those submitting representations:

General

Anthony Chamier (00632) - Requirement for measures to limit and calm traffic in town centre.

Gary Morris (04055) - Reduction in scale of housing land allocated in Alness.

Scottish Water (00396) - Amendment to last sentence in para 4.50 to: "Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be planned and delivered across the lifespan of the plan and beyond at the Assynt and Newtonmore Water Treatment Works."

New Sites Previously Consulted On

William Gill (01072) - Allocation of MIR site reference H8 for housing.

Pat Munro (Alness) Ltd (04278) - Allocation of land to the east of AL13 (illustrated as Area 2 in annotated map supplied) for tourism.

Pat Munro (Alness) Ltd (04278) - Allocation of area to north of AL10 (illustrated as Area 6 in annotated map supplied) for housing.

Pat Munro (Alness) Ltd (04278) - Allocation of triangle to south west of AL16 (illustrated as Area 5 in annotated map supplied) for housing.

Pat Munro (Alness) Ltd (04278) - Allocation of area to north east of AL14 (illustrated as Area 3 in annotated map supplied) for business/tourism use.

East Alness

General comments relating to sites including AL2 Whitehills, AL3 Achnagarron South, AL4 Achnagarron North, AL6 Milnafua Farm and AL7 Blackmuir

Gary Slupek, Sean Danaher, Alasdair Hardman (03983, 04266, 04275) - Removal of sites AL2, AL3 and AL4 (assumed).

Requirement for comprehensive masterplan for all Alness eastern expansion sites including assessment (assumed).

Reduction in housing density of sites AL2, AL3, AL4, AL6 and AL7 and consideration of replacement housing allocations to west of Alness.

Comments specific to AL2 Whitehills and AL6 Milnafua Farm

Pat Munro (Alness) Ltd (04278) - Deletion of requirement for masterplan/development brief to agreed and replacement with 'developed in accordance with planning permission V/6770/B/3607/1' (assumed).

David Shepherd (03949) - Supports allocation of AL6.

Comments specific to AL3 Achnagarron South and AL4 Achnagarron North

William Gill (01072) - Support for allocations.

Comments specific to AL4 Achnagarron North

Sean Danaher (04266) - Requirements amended to include 'set back from pylons and associated power lines'.

Reduction in site capacity (assumed).

AL5 Dalmore

Albyn Housing Society Ltd ((00419) - Delete requirement for improvements to mini-roundabout.

Wm Morrison Supermarkets Ltd (04400) - Additional requirement for site to not impact permission for 24 hour deliveries at Morison's supermarket (assumed).

AL8 Willowbank Park

Chisholms Property Development (00893) - Change housing capacity to 21.

AL10 Obsdale Road

Victor West, Richard Fraser, Gary Morris (03977, 03986, 04055) - Removal of site; if site remains then no access permitted from Obsdale Road (assumed) and requirement for houses to be sited along the perimeter fence running alongside the road linking Obsdale Road to Milnafua or near the supermarkets to the south.

AL11 Achnagarron Farm

Gary Slupek (03983) - Use specified as play area.

AL12 West of Teaninich Wood

Veda a McClorey (04481) - Removal of site.

Pat Munro (Alness) Ltd (04278) - Allocation of area to south of AL12 and west of AL18 (illustrated as Area 1 in annotated map supplied) for business and industry.

AL13 South of Teaninich Wood

Patricia Clough (04057) - Removal of site.

AL16 Caplich Quarry

Robert Baxter (04141) - Additional requirement for a link to two boundary roads and access to the A9 by Milnafua the main access to the quarry.

Pat Munro (Alness) Ltd (04278) - Expansion of AL16 (illustrated as Area 4 in annotated map supplied) for industry.

Sean Danaher (04266) - Caplich Quarry to be integral part of Ross-shire Green Network (assumed).

AL17 Alness Industrial Estate

Johanna Watt (04529) - Additional requirements for improvements to amenity (assumed).

AL21 Invergordon Road East

Lidl UK GmbH (04356) - Requirements to read: Non-Food Retail/Comparison Goods only.

Wm Morrison Supermarkets Ltd (04400) - Removal of site; if site remains then restrict uses to non-food retail.

Summary of responses (including reasons) by planning authority:

General

Anthony Chamier (00632) - It is accepted that the scale of development proposed in Alness will result in increased levels of traffic in the town centre. However the location of expansion sites in Alness largely allow for access to the strategic road network and public transport opportunities without passing through the town centre. Therefore, is it likely that additional traffic in town centre will largely be limited to those using the town centre. Furthermore the Proposed Plan gives recognition in the general text for Alness that upgrades will be required to the internal road network, and a number of sites have a requirement for a transport assessment and/or specific road upgrades [CD6, Para 4.50, Page 72]. It is appropriate for any traffic impacts on the town centre to be examined in detail at the time a planning application is submitted rather than in the development plan. Accordingly, the Council believes no modifications are required to address this representation.

Gary Morris (04055) - Consistent with Scottish Planning Policy [THC AL General/1] a generous supply of housing land has been allocated in Alness and the wider East Ross Housing Market Area. This generous supply reflects expected population rises as a result of increased employment opportunities in the area, particularly at Nigg, Invergordon and Highland Deephaven which have ambitious growth planned to increase provision of their services that include fabrication of both on-shore and off-shore renewables; rail and sea freight and cruise ship berthing.

The Council's aspiration is that people working in these industries will bring expertise with them, move into the area, and build a skills base & sustainable economic base. Some of the work will be project and contract based which will increase the demand for rented housing but the Council would like to see as many workers as possible both living and working in the area. The Council also needs to ensure that a shortage of housing does not escalate rental and purchase prices which would result in a barrier to growth.

Accordingly, to meet the Council's aspirations it is important to provide a generous supply of housing land in the area. Whilst the Council have identified the most effective sites for housing, it remains for developers to determine their marketability and hence when construction may begin. If occupation of any new houses is on a temporary basis it will be for the owner of the properties to either sell or find tenants, as such it is unlikely should

employment contacts be terminated that this will result in large numbers of vacant properties that the Council is responsible for. Accordingly, the Council believes no modifications are required to the Plan to address this representation.

Scottish Water (00396) - The Council support the proposed change as it reasonably clarifies that additional capacity should be proportionate to development needs.

Accordingly the Council would support such a change should the Reporters wish to recommend it.

New Sites Previously Consulted On

William Gill (01072) - During the Plans Call for Sites the inclusion of MIR site reference H8 for housing was sought. The site was identified as a non-preferred site in the MIR on the basis of its proximity to the A9 trunk road, visual impact, loss of prime farm land and loss of open space.

Following further consideration of the site, it was decided to show it as 'white land' in the Proposed Plan. This was because it is not open space from which the general public derive an amenity value, given it is not a high quality, accessible and fit for purpose open space – it comprises an area of rough ground enclosed by fencing and vegetation. In terms of overcoming the other cons identified in the MIR, whilst the site is prime agricultural land, its small size and triangular shape mean it is likely to have limited productivity. It is also considered that a satisfactory design and layout may be achievable through the inclusion of substantial buffer between the site and the A9 trunk road and that limits visual impact and provides future residents sufficient amenity in terms of noise and light pollution.

Therefore, for the above reasons and the reasons provided in the objection to the non-inclusion of the site, housing development of a satisfactory standard that meets the general policies of the HwLDP may be achievable on the site. However it continues to be considered most appropriate for the site to be identified as 'white land' rather than a specific allocation because the Plan focuses on key areas of change. Specific allocations for sites with expected relatively small housing capacities were not made unless there were exceptional circumstances, for example where the Plan content could add value by providing detailed guidance. Furthermore, should an application for housing or any other use come forward on site the principle of development would be supported by HwLDP Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85. This policy which presumes in favour of development subject to detailed considerations. Accordingly, the Council believes the Plan should not be modified to include the proposal as an allocation.

New Sites Not Previously Consulted On

Pat Munro (Alness) Ltd (04278) - The Council supports the principle of additional tourist accommodation in area. However, the suggested site is identified as being almost entirely at risk of fluvial flooding on the revised Scottish Environment Protection Agency (SEPA) 2014 Flood Map [THC AL General/2] and the request has been lodged too late in Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. Applications can

still be considered as departures to the development plan should for example a pressing need be confirmed for additional tourist facilities in the area. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should not be modified to include the proposal as an allocation.

Pat Munro (Alness) Ltd (04278) - The site comprises a triangular area of land between Old Milnafua Road and Obsdale Road in Alness. Whilst the site is open space, it has not shown in the Proposed Plan as protected open space because it is not a space from which the general public derive an amenity value, given it is not a high quality, accessible and fit for purpose open space. Rather it has the appearance of an incidental area of open space comprising grass.

Planning permission was granted for 9 homes in 2004 (planning reference: 04/00597/FULRC [THC AL General/3]), however this planning permission was not implemented and has since lapsed. Nevertheless this previous planning permission establishes housing use on the site. It is understood the potential of the site for housing has recently been re-examined in particular the provision of affordable housing on the site.

Whilst the principle of housing development has been established as acceptable on the site and the reasons provided in the objection to the non-inclusion of the site are generally agreed with it is continued to be considered most appropriate for the site to be identified as 'white land' within the settlement development area. This is because the Proposed Plan focuses on key areas of change. Specific allocations for sites with expected relatively small housing capacities were not made unless there were exceptional circumstances, for example where the Plan content could add value by providing detailed guidance. Furthermore, should an application for housing or any other use come forward on site the principle of development would be supported by HwLDP Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. This policy presumes in favour of development subject to detailed considerations. Accordingly, the Council believes the Plan should not be modified to include the proposal as an allocation.

Pat Munro (Alness) Ltd (04278) - The site comprises an area of ground covered with rough grass and vegetation directly east of Obsdale Park. The site is allocated in the Ross and Cromarty East Local Plan for housing, specifically six units [CD3, Ref 19, Page 49 and Alness Inset Map Ref 19]. Whilst the reasons provided in the objection to the non-inclusion of the site are generally agreed with it is continued to be considered most appropriate for the site to be identified as 'white land' within the settlement development area. This is because the Proposed Plan focuses on key areas of change. Specific allocations for sites with expected relatively small housing capacities were not made unless there were exceptional circumstances, for example where the Plan content could add value by providing detailed guidance. Furthermore, should an application for housing or any other use come forward on site the principle of development would be supported by HwLDP Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. This policy presumes in favour of development subject to detailed considerations. Accordingly, the Council believes the Plan should not be modified to include the proposal as an allocation.

Pat Munro (Alness) Ltd (04278) - The proposal is for an out of centre retail allocation. The representation has not provided any demonstration of the sequential test or effects on the vitality or viability of existing town centres as required by Scottish Planning Policy [THC AL General/4], Policy 40: Retail Development [CD1, Policy 40, Page 91] of the HwLDP and Policy 1: Promoting and Protecting City and Town Centres of the Proposed Plan [CD6,

Policy 1, Page 13]. The Ross and Cromarty East Local Plan [CD3, Para 35, Page 48 and Alness Inset Map Site Ref 35]], and the Proposed Plan also contain a retail allocation at Invergordon Road East [CD6, Site Reference AL21 Alness, Pages 71 and 75), this is the Council's preferred location for this form of development. Furthermore large parts of the site are identified as being at risk from fluvial flooding on the SEPA 2014 Flood Map [THC AL General/5, Page 1] and the site includes land adjacent to the A9 that been specifically landscaped as an entrance feature to the business park. The site therefore has limited planning merit.

In addition to the above the request has been lodged too late in Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a caravan park. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should not be modified to include the proposal as an allocation.

East Alness

General comments relating to sites including AL2 Whitehills, AL3 Achnagarron South, AL4 Achnagarron North, AL6 Milnafua Farm and AL7 Blackmuir

Gary Slupek, Sean Danaher, Alasdair Hardman (03983) (04266) (04275) - The introductory text for Alness explains that reflecting Alness' position in the East Ross Growth Corridor significant housing, business, industrial and retail growth is proposed [CD6, Para 4.49, Pages 70-71]. It goes to explain that housing growth is focussed on eastern margins of the town, along with substantial allocations to the north and the south. Expansion is focussed on these areas for a number of reasons, in particular the sites are relatively free from infrastructure constraints; are in the ownership or control of parties which can be expected to develop it or release it for development (no alternative proposals for western of Alness have been suggested to the Council); it is expected that development can be achieved within the required timeframe and to provide choice across the housing market area. Sites to the east also represent more logical expansion as they better relate to the existing built up areas of the town.

A masterplan is specified as a requirement for sites AL2 and AL6 due to the scale of development supported by these sites being considerably larger than sites AL3 and AL4. The allocation of a range of housing sites of differing sizes provides for a range and choice of housing sites in Alness and the wider housing market area. Nevertheless development of these sites must be of a standard that meets of the requirements of HwLDP general policies, including those on design quality, place making and green networks.

The Ross and Cromarty East Local Plan identifies land between Mossfield and Alness for amenity use [CD3, Para 36, Page 48 and Alness Inset Map Site Ref 36]. The Ross and Cromarty East Local Plan explains that an allocation for amenity use means that the Council will safeguard these areas from development not associated with their purpose of function [CD3, Page 27]. When the Ross and Cromarty East Local Plan was reviewed it

was considered appropriate to introduce new housing allocations at AL3 and AL4 for a number of reasons, in particular the increased housing land requirement in the East Ross Housing Market Area as well as forecasted employment increases at Nigg, Invergordon and Highland Deephaven and also to provide a greater range and choice across the housing market area. Furthermore, whilst the sites do provide some visual amenity, particularly in views from the A9 trunk road, they currently used for agriculture and are not spaces from which the general public derive an amenity value. Whilst the amenity allocation did ensure a visual break between Alness and Mossfield it is considered that a well designed development could successfully integrate with Mossfield and Alness whilst retaining the amenity of existing residents.

It is accepted that the local road and walking and cycling network, in particular Old Milnafua Road, is not of a standard that could accommodate the level of development proposed. It is considered that sufficient requirements are in place both in the Proposed Plan and in other Council guidance to ensure that the necessary upgrades would be delivered as part of the development proposals. In particular, the general text for Alness explains that expansion of Alness will require upgrades to the internal road network particularly at the eastern expansion areas [CD6, Para 4.50, Page 72] and there is a specific requirement for upgrades to Old Milnafua Road for sites AL2, AL3, AL4 and AL6. Furthermore future proposals must be consistent with the Council's Roads and Transport Guidelines for New Developments.

In terms of impacts on the strategic road network the Transport Appraisal that accompanies the Proposed Plan did not identify any detrimental impact upon the strategic transport network as a result of the cumulative impact of development in Alness. However, taking into account the cumulative impact of additional traffic using the Mossfield/A9 junction and potential road safety issues the Proposed Plan does specify a requirement for local improvements to this junction, generally in the introductory text for Alness and more specifically for AL3 and AL4 that a transport assessment should determine appropriate mitigation measures on the road between Mossfield and the A9 trunk road.

A transport assessment is in fact specified as a requirement for sites AL2, AL3, AL4 and AL6. The requirements for sites AL3 and AL4 specifically identify that the transport assessment should, in particular, determine appropriate mitigation measures on the road between Mossfield and the A9 trunk road. Whilst this requirement is not specified for sites AL2 and AL6 given the scale of development supported it is expected that the transport assessment for these sites will also assess the impact of development on the Mossfield/A9 junction.

In terms of density the capacity of the sites was calculated to promote the efficient use of land whilst taking into account general site conditions and the relative accessibility of the site and any relevant planning history, consistent with the methodology described in the Proposed Plan's Housing Land Requirement Background Paper [THC AL East/1]. It was considered that lower densities of between 10 and 15 units per hectare were most appropriate for sites AL3 and AL4 to reflect the characteristics of the location; and that medium to high density of between 20 and 24 units was most appropriate for sites AL2 and AL6. Given that no detailed transport assessments have yet been undertaken there is no evidence to suggest that the densities of the sites should be reduced to reflect the capacity of the junctions.

With regards to not specifying mitigation measures, again because no detailed transport assessment has been undertaken it is not possible to specify what mitigation measures may be required.

It is noted that Mossfield and Achnagarron are currently under umbrella 'Invergordon area' in terms of postcode and telephone code, however this is not a material planning consideration. In terms of geography it is clear that the sites represent an expansion of Alness and not Invergordon which lies a considerable distance to the south east.

In terms of impacts on wildlife, any future planning application will be required to demonstrate compliance with HwLDP Policy 58: Protected Species [CD1, Policy 58, Page 113]. Furthermore the sites were screened out of the Plan's Habitats Regulation Appraisal [THC AL East/2].

Open space including the provision of play facilities will be required to be provided in HwLDP Policy 75 Open Space [CD1, Policy 75, Page 132] and associated supplementary guidance Open Space in New Residential Development.

There is no requirement for development to be phased in the Proposed Plan. This is to allow for the provision of choice across the housing market area, in particular for the delivery of sites in different ownerships. It is also felt this is appropriate as sites AL3 and AL4 lie adjacent to housing at Mossfield so their development would not result in an isolated housing development.

The request for a more holistic approach is noted. However it is felt that by the larger allocations in Alness requiring masterplan/development brief to be agreed with the Council this provides an integrated and joined up approach to future development. The Council does not have the resources to run charrettes for every settlement in its area, however should funding opportunities arise in the future a charrette in Alness may be a possibility.

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

Comments specific to AL2 Whitehills and AL6 Milnafua Farm

Pat Munro (Alness) Ltd (04278) - The Council granted planning permission for 148 houses (references V/6670/B/3670 and V/6670/B/3607/1) at Whitehills, Alness in 1973. The Council has accepted that this permission is effectively locked in as eleven houses were built out some time ago. However neither the applicant nor the Council have a copy of the approved drawings. The only available drawing has been provided by the land owner, however it appears to be a drainage drawing and not a site layout, furthermore it is not stamped, has no date, no title, is incomplete and partially undecipherable [THC AL2+AL6/1]. It does however provide an indication of the site boundary – it appears to straddle Old Milnafua Road and include the western section of AL6 and a mid section of AL2 that surrounds an existing property known as Milnafua House.

The land owner's agent has recently been corresponding with the Council regarding the possibility of submitting a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary the 1973 planning permission. The Council have taken the position that it would not be competent for the planning authority to permit a Section 42 application as the Council would not be certain as to what it would be granting permission for given the absence of any approved drawings. The Council have advised the land owner that the appropriate mechanism to consider any proposals to deviate from

the original planning permission for the remainder of the site would be to submit new application/s for planning permission [THC AL2+AL6/2].

Any new planning application/s for the site would be expected to meet current national and local planning requirements that have changed somewhat since the original planning permission was granted. This includes for example the policies of the HwLDP that require provision for open space, sustainable urban drainage, waste management etc. alongside being consistent with the Council's Roads and Transport Guidelines for New Developments.

Accordingly the Council believes that allocations AL2 and AL6 should be retained without modification for the following reasons: no copies of the original approved drawings or any planning conditions are available therefore the development would not be able to be built out as per the original permission; the site boundaries exclude large parts of the wider AL2 and AL6 sites and new planning application/s are required that are consistent with current national and local planning requirements.

David Shepherd (03949) - Support noted.

Comments specific to AL4 Achnagarron North

Sean Danaher (04266) - An overhead power line runs within the eastern boundary of AL3, as such a requirement was included in the Proposed Plan for development to be set back from pylons and associated power lines. An overhead power line runs parallel to the northern boundary of AL4, directly adjacent to the site boundary [THC AL4/1]. Because the overhead power line did not lie within the site boundary set back from it was not identified as a requirement for AL4. However following further consideration of this, and that the normal set back distances for high voltage lines would partially lie within the site it is agreed that for consistency the requirements text should reflect this. Accordingly the Council would support an addition to the requirements for 'setback from pylons and associated power lines' should the Reporters wish to recommend it.

It is accepted that the capacity of AL4 is higher than the density of existing housing at Mossfield. However, the density, at approximately 14 units per hectare is considered to fall between low and medium density as specified in the Proposed Plan's Housing Land Requirement Background Paper. This approach is consistent with the explanation given in section 2.13 of the Proposed Plan which states that site capacities were calculated to promote efficient use of land and have taken account of general site conditions and the relative accessibility of the site. The promotion of higher density developments has other recognised benefits, for example reduction of land take, creation of compact 'walkable' neighbourhoods; provision of a range and mix of housing types and greater viability of local shops, services and public transport. Accordingly the Council does not believe any amendment should be made to the capacity of the site.

AL5 Dalmore

Albyn Housing Society Ltd (00419) - For sites with a live planning permission an approach was taken in the Proposed Plan for the requirements to state development in accordance with that planning permission, then specify key requirements associated with that planning permission. The reason for specifying key requirements was to ensure the requirements were considered if the planning permission lapsed and/or a new planning application was submitted. In the case of this site, planning condition 16 states 'Prior to any

commencement of Phase 2 improvements to the mini-roundabout on the B817 at Lidl shall be undertaken to the satisfaction of the Planning Authority in Consultation with the Roads Authority, as shown on supporting information Drawing A/103355 930' [THC AL5/1]. The reason for this was to ensure that access to the footpath and cycle network is improved adequately to accommodate the development. The requirement therefore accurately reflects what is specified in the planning permission. Accordingly the Council believes the allocation should be retained without modification.

Wm Morrison Supermarkets Ltd (04400) - The site currently has planning permission for housing development. Should complaints be received by the Council from future residents of the site due as a result of 24 hour deliveries impacting their amenity these would be considered by the Council's Environmental Health Team and potential solutions explored. With regards to keeping Morrison's informed of future planning applications the planning authority is unable to create consultation lists for individual development sites. Notification of planning applications submitted to the Council is undertaken in line with statutory requirements. Accordingly the Council believes the allocation should be retained without modification.

AL8 Willowbank Park

Chisholms Property Development (00893) - Planning permission (reference: 04/00223/FULRC [THC AL8/1]) was granted for 21 homes on the site in 2004. Site capacities specified in the Proposed Plan exclude any completed units at the time the Proposed Plan was written in summer 2013. The Proposed Plan currently specifies 16 units on the understanding that five units had been completed. However, following further review as a result of the representation to the site, it is now clear that four units have been completed on the site shown on the Proposed Plan. The correct capacity of the site is therefore 17 units [THC AL8/2]. Accordingly the Council would support the capacity of the site being changed to 17 should the Reporters wish to recommend it. Furthermore in reviewing this site further it was realised that the site boundary requires a minor amendment to include the entire property and garden ground at 46 Braeface Park. As such this amendment is also recommended for the Reporter's consideration.

AL10 Obsdale Road

Victor West, Richard Fraser, Gary Morris (03977, 03986, 04055) - In terms of transport impacts Obsdale Road is a good standard twin track road that provides an important internal connections within Alness. The Council's Roads Officers did not raise any issues with regards the allocation of this site. No evidence has been provided to demonstrate the road does not have additional capacity; furthermore any planning application will need to demonstrate that satisfactory access can be provided. With regards amenity impacts due to the proximity of the road this is a detailed matter that can be considered at planning application stage. In terms of an alternative access from the A9, this would conflict with Scottish Planning Policy which explains that new junctions on to the trunk road network are not normally acceptable unless there are overriding reasons [THC AL10/1].

With regards to landscape impact it is accepted that the site forms part of a green wedge between the town and the A9 trunk road that provides an attractive setting for the town. However the site only forms part of this green wedge and its development would not compromise the wider integrity of the green wedge, whereby a wide green wedge would be retained between the town and A9 trunk road. In terms of open space, the site is currently in agricultural use and therefore is not a green space from which the general

public derive any amenity value.

The site comprises prime agricultural land. Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy [THC AL10/2]. It is therefore considered that loss of prime agricultural land at this location, whereby significant housing expansion in Alness is supported due to its location on the Easter Ross Growth Corridor, is an essential component of the settlement strategy and therefore is consistent with Scottish Planning Policy.

The site is in the ownership of the family of a current Highland Council Councillor. This Councillor has declared an interest in the site. However the public are free to approach other Councillors in the Ward to request that they represent their views.

The Carn Liath, cairn, Obsdale scheduled monument [THC AL10/3] lies adjacent to the southern boundary of the site. It is considered that potential impacts are adequately addressed by the requirements for the site stating that an archaeological assessment including consideration of any impact on the nearby Carn Liath cairn, Obsdale Scheduled Monument. Furthermore Historic Scotland did not comment on this allocation.

Loss of private views and devaluation of property is not a material planning consideration.

The Proposed Plan makes it clear there is a requirement for an archaeological survey.

The layout of the site will be given detailed consideration and pre-application/planning application stage. The layout is likely to be influenced by a number of factors. It would be inappropriate for the Plan to specify the location of housing based on limiting impacts on private views. Accordingly, the Council believes the allocation should be retained without modification.

AL11 Achnagarron Farm

Gary Slupek (03983) - This site is allocated for community use in the Proposed Plan and the use specified is recreation area. It is felt that this explanation provides sufficient clarity as to what uses would and would not be supported on the site. Accordingly, the Council believes the allocation should be retained without modification.

AL12 West of Teaninich Wood

Veda a McClorey (04481) - Alness is located in the heart of the Ross-shire Growth Corridor, it is essential to provide a sufficient amount of employment land to meet anticipated future demand. Whilst there may be number of existing vacant units within Alness, the Plan is a long term plan for growth, and there has been uptake recently in other employment sites in Alness and the wider area.

The scale of any buildings proposed on the site has not yet been determined. However all design proposals are required to be consistent with HwLDP, in particular Policy 29 Design and Placemaking [CD1, Policy 29, Page 79] that requires proposals to demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The site comprises prime agricultural land. Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. It is therefore considered that loss of prime agricultural land at this location, whereby significant housing expansion in Alness is supported due to its location on the Easter Ross Growth Corridor, is an essential component of the settlement strategy and therefore is consistent with Scottish Planning Policy.

A burn runs adjacent to parts of the western boundary of the site. The SEPA 2014 Flood Map shows some areas of fluvial flood risk within the site [THC AL12/1]. To ensure this is adequately addressed a flood risk assessment is specified as a requirement for the site. With regards set back from the burn this is a requirement of the Council's supplementary guidance on Flood Risk and Drainage.

In terms of impacts on wildlife, any future planning application will be required to demonstrate compliance with HwLDP Policy 58: Protected Species [CD1, Policy 58, Page 113]. Furthermore this site was screened out of the Plan's Habitats Regulation Appraisal [THC A12/2].

Pat Munro (Alness) Ltd (04278) - Alness is located in the heart of the Ross-shire Growth Corridor, it is essential to provide a generous amount of employment land to meet anticipated future demand at this location. The proposed site lies adjacent and between an existing business park and land that is allocated for the development of business and tourism uses. The reasons given for the allocation of this additional land for employment purposes are generally agreed with, in particular to allow for an integrated employment use development, especially in terms of design and layout; it is also a logical expansion area that would allow 'rounding off' of the settlement. Furthermore the allocation of additional land would mean an increase in the Council's supply of effective employment land and therefore additional potential for the creation of employment generating uses. It would allow for a larger serviced area to accommodate expansion of existing businesses and also opportunities to accommodate downstream business accommodation from increased activities at Nigg, Invergordon and Highland Deephaven. Furthermore the land owner sought pre-application advice from the Council in 2013 for this proposal as part of wider development proposals in the area. The pre-application advice issued by the Council was supportive of this element of the proposals.

The Council is therefore generally supportive of the allocation of this land for employment purposes. It is considered the most appropriate approach for the inclusion of the site is rather than the creation of the entirely new site, for site AL12 to be extended to include the land. In terms of constraints the site is shown to be partially at risk from pluvial flooding on the 2014 SEPA Flood Map. However should site AL12 be extended to include the land a flood risk assessment is an existing requirement of the site.

Accordingly the Council would support an extension to AL12 to include the proposal site should the Reporters wish to recommend it.

AL13 South of Teaninich Wood

Patricia Clough (04057) - A planning application was permitted in March 2014 (reference: 13/02083/PIP [THC AL13/1]) for a hotel and restaurant on an area that occupies approximately half of the western side of the AL13 site.

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. In terms of issues raised in the representation the majority of these would require to be addressed as part of a planning application to allow consistency with the HwLDP, in particular Policy 77 Public Access [CD1, Policy 77, Page 135]; Policy 58 Protected Species [CD1, Policy 58, Page 113] and Policy 51 Trees [CD1, Policy 51, Page 102]. In terms of access, the planning permission for the hotel and restaurant on the site proposes to take access from the private road that connects to Redwoods Care Home. The operator care home was supportive of this provided clear signage is erected to prevent traffic generation further up the access road towards the care home. With regards landscape and visual impact it is accepted that the site is in a key location at the entrance to Alness and will be visible in views from on approach to Alness and from the A9 trunk road. It is further acknowledged that there is a mix of adjoining uses including a hotel (which is a Category B listed building); a care home; and a number of houses, which require to be taken into account in considering any new proposal for the area. It is considered the requirements of the Proposed Plan that include high quality architectural design and a Design Statement provide an adequate basis for proposals contained in a future planning application to be a high standard that complements the landscape and surroundings and does not deter visitors. Accordingly, the Council believes the allocation should be retained without modification.

AL16 Caplich Quarry

Robert Baxter (04141) - The merits of the proposal are noted. However much of the quarry has already been worked out and active parts of the quarry already have planning permission. There is therefore limited opportunity to implement this suggestion.

Pat Munro (Alness) Ltd (04278) - In the MIR [CD5, Site I1, Page 60-61] this site was significantly larger and reflected the wider area known as Caplich Quarry that comprises open space, several lochans and a sand and gravel quarry, some areas of which have been worked out and are naturally regenerating, other parts remain an active quarry. The intention of the Council's preference for industrial use on site was to support the principle of the continued operation of the quarry and its subsequent restoration. However, following further consideration it was determined that there is little benefit of allocation of the entire quarry site as the principle of extraction of the quarry is supported by HwLDP Policy 53: Minerals [CD1, Policy 53, Pages 104-105]. The area identified was therefore reduced to only the processing areas associated with the quarry. The Council continues to consider this is an appropriate approach and accordingly recommends the site is retained without modification.

Sean Danaher (04266) - Opportunities for Caplich Quarry to become an integral part of the Ross-shire Green Network is noted. This will be considered in more detail when detailed identification of green networks is undertaken for the Ross-shire area consistent with Policy 74: Green Networks of the HwLDP [CD1, Policy 74, Page 131].

AL17 Alness Industrial Estate

Johanna Watt (04529) - Support for development of the site is noted. Its development will allow for improved amenity in the area.

AL21 Invergordon Road East

Lidl UK GmbH, Wm Morrison Supermarkets Ltd (04356, 04400) - The allocation for retail has been carried forward from the Ross and Cromarty East Local Plan [CD3, Para 35, Page 48]. The Council did not undertake a retail capacity study to inform the Proposed Plan; it is therefore accepted that there is no evidence base to support the current unrestricted retailing allocation. Furthermore it is now understood that a right of access to the site via the Lidl supermarket site was maintained in the sale of the land to Lidl subject to the future development of the adjacent land being limited to non-food retail. It is also accepted from a high level qualitative analysis that Alness has sufficient provision of food retailers and that additional food retail at this location may have an adverse impact on the town centre. On this basis it is considered appropriate for the allocation to be restricted to non-food retail. Accordingly the Council would support such a change should the Reporters wish to recommend it.

Reporter's conclusions:GeneralAnthony Chamier (00632)

1. As the council points out many of the specific site requirements list traffic assessments, to be presented when individual planning applications are put forward. These will, where necessary, outline any mitigation necessary as a result of the development. This could require a developer contribution towards implementation costs where work is needed as a direct consequence of the development. No modification is needed.

Gary Morris (04055)

2. Housing figures are based on those set out in the Highland-wide Local Development Plan, which in turn depend on figures in the local housing need and demand assessments. On top of that, in accordance with Scottish Planning Policy, a generous allowance is made, in the case of the Highland-wide plan around 25%, to provide for choice. It is up to individual builders to select which sites to develop. Because of the generosity allowance it is unlikely that all sites will be developed within the plan period, so growth may be more gentle than it seems at first sight. No modification is needed.

Scottish Water (00396)

3. This is a factual and technical modification and accepted by the council. The plan should be modified accordingly.

New Sites Previously Consulted OnWilliam Gill (01072)

4. This site, H8 in the main issues report opposite Davis Drive, was not taken forward from the report because of its small size and proximity to the A9. The council accepts that with suitable mitigation – notably a planted buffer zone to help screen traffic noise from the A9 – an appropriate scheme could be put forward. It notes that as white land within the

settlement development area an application for housing development would be supported by Highland-wide Local Development Plan Policy 34: Settlement Development Area. The council's views were confirmed by my site inspection, and I accept that because of the small size of the site the best way forward would be through a planning application. No modification is needed.

New Sites Not Previously Consulted On

Pat Munro (Aness) Ltd (04278)

5. I note that this site, to the east of site AL13 (see plan 04278/AL General/1) is almost entirely at risk of fluvial flooding in the latest maps produced by the Scottish Environment Protection Agency. Although a caravan site may not present the same level of risk as, say housing, it is still a strong argument against development. Also the site has been brought forward too late for consideration in this plan. The council points out alternative ways forward, either through a planning application justifying development as a departure from the development plan, or bringing the site forward for the proposed plan's successor. No modification is needed.

Pat Munro (Aness) Ltd (04278)

6. The reasons set out in paragraph 4 above are applicable here. My site inspection confirmed the small scale of the site, on the north side of Obsdale Road at the junction with Old Milnafua Road, and I accept it may be appropriate for housing, as established by a previous planning permission. As above I agree with the 'white land' status of the plan and that the way to take the proposal forward is through a planning application relying on Highland-wide Local Development Plan Policy 34: Settlement Development Area, which would give support. No modification is needed.

Pat Munro (Aness) Ltd (04278)

7. As in paragraphs 4 and 6 above this site, to the south-west of AL16 (see drawing [04278/AL General/3), is white land within the settlement development area. Its suitability for housing has been established through a former planning permission. I agree with the council that the best way forward is through a planning application relying on Highland-wide Local Development Plan Policy 34: Settlement Development Area, which would give support. No modification is needed.

Pat Munro (Aness) Ltd (04278)

8. The council outlines clearly that the proposal, specifically a restaurant/country shop and garden centre, as an out of town retail centre and given the absence of any supporting retail assessments, is effectively contrary to the development plan because of the Highland-wide Local Development Plan policies set out above. Also there is an alternative site available at designation AL21 farther to the east for non-food retailing.

9. In addition the site is susceptible to flooding and has been brought forward too late for proper consideration as part of the plan preparation process. No modification is needed.

East Alness

General comments relating to sites including AL2 Whitehills, AL3 Achnagarron South, AL4 Achnagarron North, AL6 Milnafua Farm and AL7 Blackmuir

Gary Slupek (03983), Sean Danaher (04266), Alasdair Hardman (04275)

10. These representations raise general objections to the relatively large scale of housing development proposed for the eastern part of Alness. As described above the overall housing numbers are derived from the Highland-wide Local Development Plan and include a 25% generosity allowance in accordance with Scottish Planning Policy to allow flexibility and choice. It is almost certain therefore that not all the sites will be taken up for development during the plan period.

11. It must also be taken into account that some housing sites are allocated for the longer term to provide certainty about land supply for developers. Development is already under way on the western part of site AL2, which suggests confidence is returning to the market, and that Alness is a desirable place to live.

12. The council has outlined above in detail the specific assessments that will have to be undertaken before permission can be granted, and these do not need repeating. I am confident that the issues outlined by the representees will be properly addressed by the council as applications come forward for planning permission. I am not persuaded there is any need to modify the proposed plan.

Comments specific to AL2 Whitehills and AL6 Milnafua Farm

Pat Munro (Alness) Ltd (04278)

13. This is effectively a technical objection relating to a planning permission dating back to 1973. While accepting the permission is still live the absence of any meaningful records means it is uncertain as to what was granted, other than the eleven houses built some time ago. In these circumstances I agree with the council that modern planning requirements should apply, and that there is no case for removing the requirement for a masterplan to be prepared. Much of the work for this will in any case be required in preparing a planning application for the two sites. No modification is needed.

David Shepherd (03949)

14. This is a representation supporting designation AL6 and no modification is called for.

Comments specific to AL4 Achnagarron North

Sean Danaher (04266)

15. The first part of this representation is effectively a technical modification requiring set back from overhead power lines. This should be accepted.

16. Although it is commented that the housing density is higher than that of existing houses at Mossfield, at 14 units per hectare it is still relatively low by urban standards. The council has explained its reasoning for this above, and I am not persuaded that any modification is needed.

AL5 Dalmore

Albyn Housing Society Ltd (00419)

17. The site requirements are an accurate reflection of the conditions attached to the planning permission for the site, and no modification is needed.

Wm Morrison Supermarkets Ltd (04400)

18. This concerns the potential impact on an existing supermarket's operations with regard to noise from 24 hour deliveries. In the event of problems arising this would be dealt with through normal local authority channels and is not a matter for the development plan.

AL8 Willowbank Park

Chisholms Property Development (00893)

19. This is a technical adjustment to reflect the fact that four houses have been constructed from a planning permission number of 21. This leaves 17 still to be delivered and the site capacity should be adjusted to reflect this.

20. The council asks for a minor boundary change to be made to that of site AL8. As I understand it from the submissions this matter was not raised in representations and therefore it is not one that is within my remit.

AL10 Obsdale Road

Victor West (03977), Richard Fraser (03986), Gary Morris (04055)

21. My site inspection, including driving along Obsdale Road in both directions, did not raise any concerns that would justify the removal of the site from the proposed plan. Visibility is good and the road appears to have adequate width for normal traffic.

22. The site would be an addition to the urban edge in this part of Alness and would complement the existing housing to the north and west. Open ground would remain to the east and south between the site and the A9. General amenity matters would be considered at the time of a planning application. While the site is prime agricultural land no alternatives have been placed before me to avoid the use of such land. It will therefore become part of the settlement strategy in accordance with Scottish Planning Policy.

23. The site requirements include the need for an assessment of the impact of any development on the Carn Liath scheduled ancient monument, and the results of this would have to be taken account of in any planning permission granted. No modification is needed.

AL11 Achnagarron Farm

Gary Slupek (03983)

24. This site is allocated specifically for a recreation area, and is therefore not available for housing development. No modification is needed.

AL12 West of Teaninich WoodVeda A McClorey (04481)

25. This site is carried over from site 22 in the Ross and Cromarty East Local Plan. It therefore has an established history as a development site. Although it is prime agricultural land no other suitable site has been placed before me, and it thus becomes part of the settlement strategy in terms of Scottish Planning Policy.

26. The site requirements include a landscaping plan and flood risk assessment, and these will take account of matters raised by the representee. No modification is required.

Pat Munro (Alness) Ltd (04278)

27. This representation requests an expansion of site AL12 to the south, effectively joining up with site AL18 to give a larger and more effective business/industrial area. Although prime agricultural land would be removed I consider the enlarged site would be an essential component of the settlement strategy, thus complying with Scottish Planning Policy. The council is also supportive of this. The uses in the immediate vicinity are business, commercial or industrial, so there is no question of residential amenity being affected. There are good transport links and from my site inspection the extended site would sit comfortably in the landscape. For these reasons I find the proposed site should be included as an extension to site AL12, and the plan be modified accordingly.

AL13 South of Teaninich WoodPatricia Clough (04057)

28. The council notes that approximately half the site benefits from a relatively new planning permission in principle for a hotel and restaurant. The site requirements set out in the proposed plan cover most of the issues raised by the representee. Given the proposed hotel development the remainder of the site could prove more attractive to business and tourist uses. Competition with a neighbouring hotel is not a planning matter. I have not been provided with any justification for deleting the site from the proposed plan. No modification is needed.

AL16 Caplich QuarryRobert Baxter (04141)

29. I note from the council that the active part of the quarry is subject to planning permission, which sets down the operational requirements. The modification as proposed is not a practicable proposition. No modification is needed.

Pat Munro (Alness) Ltd (04278)

30. The council has explained how the decision was taken to reduce the larger main issues report site to that occupied by the processing areas used by the operation of the quarry. I have not been provided with any meaningful justification for an extension of the site and no modification is needed.

Sean Danaher (04266)

31. I note from the council that further work on the issue of green space will be undertaken in due course in accordance with Highland-wide Local Development Plan Policy 74: Green Networks. No modification is needed.

AL17 Alness Industrial Estate

Johanna Watt (04529)

32. This is supportive of the development and no modification is needed.

AL21 Invergordon Road East

Lidl UK GmbH (04356), Wm Morrison Supermarkets Ltd (04400)

33. The council has accepted the representees' arguments that the use should be restricted to non-food retailing. The evidence points to there being a surplus of food retailing floor space in the wider area. In addition there are legal restrictions on the site access that prohibit use of the site for food sales.

34. The plan is supportive of town centres and no action should be taken to attract shoppers away from these. The modification should be accepted.

Reporter's recommendations:

It is recommended that:

1. The last sentence of paragraph 4.50 be deleted and replaced with: "Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be planned and delivered across the lifespan of the plan and beyond at the Assynt and Newmore Water Treatment Works."
2. Under the requirements for site AL4 at the end of the requirements paragraph the words: "setback from pylons and associated power lines" be added.
3. Under the capacity for site AL8 the figure '16' be deleted and replaced with: "17".
4. Site AL12 be extended to the south in accordance with drawing 04278/AL 12/1 provided in submissions. The same requirements as for AL12 be applied to the extended site, and the site area be modified accordingly.
5. The uses for site AL21 be modified to read: "Non-food retail only".

Issue 22	Dingwall	
Development plan reference:	(Para 4.51, Page 75)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Highland Housing Alliance (00202) Scottish Environment Protection Agency (00523) Dingwall Auction Mart Limited (01068) Robin Gardner (01214) Redco Milne Ltd (01251) Amelia Windsor (01850) Patricia Strack (01851) Rod Maciver (03937) Colin Morrison (03972) John Foley (03974) Donald Mackenzie (03975)</p>	<p>Louise Mckay (04031) George Maclean (04047) S Grant (04062) Gillian Galloway (04076) Mr Powrie (04119) Dingwall CARS Stakeholder Group (04281) Lidl UK GmbH (04356) Woodland Trust (04364) The Highlands Small Communities Housing Trust. (04381) Michael J Burns (04466) Dingwall Petition (04494)</p>	
Provision of the development plan to which the issue relates:	Dingwall	
Planning authority's summary of the representation(s):		
<p><u>General - Support</u></p> <p>Dingwall CARS Stakeholder Group (04281) - Welcomes and endorses the Council's intention to prepare Supplementary Guidance to aid the delivery of the Draft Dingwall Conservation Area Management Plan, wishes to see greater control over alterations to shop fronts in the Conservation area, including a means of deterring inappropriate materials and signage.</p> <p>Redco Milne Ltd (01251) - Welcomes the identification of the Ross-shire Growth Area and supports the proposal that Dingwall should continue to be a key service centre and a focus for development activity. It also welcomes the fact that the LDP notes that a key component of the Growth Area will be well integrated town and local centres with accessible services and facilities.</p> <p><u>General</u></p> <p><i>Traffic - Kinnairdie Link Road</i></p> <p>Social Housing Providers in Highland (04381) - Considers that the limitations on the development of housing in Dingwall housing, imposed by the non-completion of Kinnairdie Link Road, are relaxed. It is essential to maintain an effective land supply within Dingwall which is an area of high housing need. The Dingwall North sites are key to this supply but heavily constrained by the Link Road conditions</p>		

Patricia Strack (01851), Amelia Windsor (01850) - Objects to any further houses because of the increase in the number of vehicles that will be generated during the twice daily "rush hours" namely Old Evanton Road, Kinnairdie Brae and Craig Road. Drivers must be forced to use wider, safer Newton/Relief road.

New Site not previously consulted on

North of DW7

Dingwall Auction Mart Limited (01068) - An area of land to the north of DW7 behind and adjacent to the McConechys Tyre Depot about which several enquiries for redevelopment have already been received and in the absence of an expansion of DW9, this area ought to be considered for future business expansion.

DW2 Dingwall North

George Maclean (04047) - Objects as existing roads, water and sewerage and other infrastructure cannot handle the numbers currently proposed. Development will have a detrimental effect on existing properties in terms of value and visual amenity.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development. Development area bordered by existing AW along both Eastern and Southern edges. Requirement for Tree Protection Plan in place includes 20m setback from all mature trees. Setback should be applied to entire woodland.

DW3 Dingwall North

Colin Morrison (03972) - Objects to DW3, the specific area in question is centred on NH 54334 60168 just north of Chestnut Road and encompasses around five hectares. Development on this area will severely restrict local biodiversity, fragment habitats and reduce access to local green spaces. [Boundary Map supplied, 03972 DW3]

Donald Mackenzie (03975) - The plan suggests significant removal of old deciduous woodland is planned which is unacceptable and the boundary of the development area should be redrawn as indicated on the attached map, DW3 and (attachment marked 1 & 3) protecting woodland (oak, beech and chestnut). Woodland is also part of the old Tulloch Castle estate and the network of paths is well over 100 years old. Consideration should be given to transferring the whole of the woodland area, including "Maggie's Drive" to community ownership to ensure its protection and management. DW3 area could be split in two pieces at its narrowest point along a small green belt from the top of Maggie's Drive to the drove road. Several very old single trees within the development areas which should also be protected, oak, chestnut, beech and Scots pine (marked 2). At the northern boundary of the development area (marked 4 on the map) is the historic drove road under serious threat of destruction with this development. [Annotated map supplied, 03975 DW3] In the 1990s no additional vehicular access was permitted from DW3 for safety reasons of proximity to Dingwall Primary School.

Louise McKay (04031) - Object to allocation DW3. Woodland and protected wildlife should be safeguarded as well as seeking protection of the old wall surrounding the wood.

S Grant (04062) - Object to allocation concerns exist relating to flood water and also foul drainage issues, with blockages occurring for domestic properties having to be addressed by Scottish Water. Proposed sites suffer from poor drainage, further housing will exacerbate the problem. Road access on Tulloch Castle Drive is extremely difficult during icy/snowy winter conditions with abandoned cars, delivery lorries and refuse collection lorries struggling on numerous occasions. School has inadequate space for additional pupils. Fields are a haven for wildlife/birds, development would destroy their natural habitat.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development. Southern border adjoins DW3. AW along most of southern border including large portion between sites. Substantial buffering required.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development. Appears to skirt around existing ancient woodlands that is Dingwall Wood at NH544600. Buffering required. Encompasses AW on Northern edge at NH545602 and NH543602

DW4 Dingwall North

If development on DW4 is approved then the drove road will be lost. Area suffers from drainage problems any increase in runoff as a result of a housing development could well lead to flooding.

DW5 Dingwall North

Highland Housing Alliance (00202) - Highland Housing Alliance supports the inclusion of site DW5.

Woodland Trust (04364) - Seeks better woodland safeguards because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is worthy of further study, and; is protected from development. Existing wood on Eastern edge is ancient woodland. Current permission includes setback from mature trees of 20m. This should be applied to the entire area of ancient woodland.

DW6 Land opposite Sherriff Court

John Foley (03974) - The area should only be developed for residential use for 10 houses. Developing business uses to a residential area would be wrong with the potential increase in traffic and access to the area constrained by the one way system is inappropriate to the increase this would bring.

Rod Maciver (03937) - Objects to allocation of land as subject to flooding in winter and clearly lies on flood plain. Building would effect water table in surrounding areas and consequent potential for property damage. Concerned about increased traffic and traffic safety, also comprising the rear of the railway station, currently vehicles sweep across the carriage way for access and egress.

Gillian Galloway (04076) - Objects to existing boundary, includes existing garden ground, also seeks clarification of acceptable business development for the area. Flood risk is an issue for the area and further development likely to exacerbate the situation.

Mr Powrie (04119) - Objects to existing boundary as although acknowledged as error the allocation contains my garden ground. Flood risk is an issue for the area and further development likely to exacerbate the situation. Concerned that development led Flood Risk Assessment will require scrutiny by the the Council and SEpA.

Mr Powrie (04119) - Objects to allocation of DW6 which indicated as suitable for industrial/commercial/residential usage, site has severe access issues, especially for HGV's who will be turning onto a very dangerous junction and blind summit over the Railway line.

Michael J Burns (04466) - Objects to the proposal to allocate land at Ferry Road Dingwall. The proposal is to include housing development and is bad planning, impinging on private garden ground. The inclusion of this area is ignorant of current events and is in an area subject to serious flooding.

DW7 Dingwall Riverside (North)

Scottish Environment Protection Agency (00523) - Objects as the site is likely to be at significant flood risk and it is uncertain whether the principle of development can be established in accordance with Scottish Planning Policy.

Dingwall Auction Mart Limited (01068) - Seeks amendment to site DW7, this comprises part brown field and part green field sites. The land lying to the north and east beyond the existing developed area is not brownfield and it is not known to be the subject of any contamination or pollution issues. Due to its proximity to the town centre, consideration should be given to allocating parts of this site to affordable, sheltered or retirement housing.

Patricia Strack (01851), Amelia Windsor (01850) - Objects until Craig Road becomes a cul de sac at no.1 level crossing we cannot support any development here. Craig Road is wholly unsuitable now for the HGV's and other heavy vehicles that use it now.

Dingwall Petition (04494) - Residents (44) of Old River Road voice concerns for any future developments in site DW7 Dingwall Riverside North. Raise questions regarding revised Flood Survey and previous results. Heavy clay soils prevent drainage in heavy rains, residents concerned about increased flooding as a consequence of further development . Traffic impact on local road raises safety concerns relating to poor junction layout and inadequacy of car parking.

DW8 Dingwall Riverside (South)

Scottish Environment Protection Agency (00523) - Objects as the site is likely to be at significant flood risk and it is uncertain whether the principle of development can be established in accordance with Scottish Planning Policy.

Lidl UK GmbH (04356) - The Proposed LDP requires that development proposals for site DW8 should be in accord with the Dingwall Riverside Development Brief. The brief is relatively vague with a number of potential development mixes potentially acceptable on

the site. Options identify the requirement for “improved access” along the existing access road to the Lidl foodstore at Tulloch Street. Proposals for “improving” this access that have adverse implications for the operation of the existing Lidl foodstore will be unacceptable and should not be supported through either the development brief or the Local Development Plan. The Proposed LDP is seeking to provide an enhanced status to the Development Brief as a “Supplementary Guidance”. Given this change in status it is necessary that formal consultation, as part of the development plan process, is undertaken for the proposals contained in the Development Brief to ensure that any proposals on this site do not adversely affect any owners, occupiers or uses of the land and/or adjacent premises.

Redco Milne Ltd (01251) - Supports identification of site DW8 as a mixed use development opportunity to bring forward retail and/or related town centre development at this location. Allocation should take account extant planning permission as well as the Riverside Development Brief and the LDP. Noted from the Action Plan that the council intends to re-visit the development brief during 2014 and to seek its formal adoption as supplementary guidance, all landowners should be consulted and actively involved in this process.

Amelia Windsor (01850) ,Patricia Strack (01851) - Objects until Craig Road becomes a cul de sac at no.1 level crossing we cannot support any development here. Craig Road is wholly unsuitable now for the HGV's and other heavy vehicles that use it now.

DW9 Land to East of Dingwall Business Park

Extent of development and Flood Risk

Robin Gardner (01214) - Land extending to 1.76 ha now forms the Business allocation DW9. The change in status for site DW9 is welcomed in principle. The site was the subject of preliminary feasibility work and preparation of a draft layout in advance of its potential marketing for development. Market conditions and demand is for more than premises/land in the “Business” Use Class. Short term civil engineering contracts continue to require large areas for laydown of materials and secure external storage with small industrial units also in demand for fledgling manufacturing companies and local building tradesmen.

Land has previously received planning permission for a builders merchants and is currently allocated for light and general industrial purposes in the Ross and Cromarty East Local Plan, allowing both Business (Class 4) and General Industrial (Class 5) Uses.

Note that the limited allocation reflects land lying outwith the SEPA Flood Map extent, in the absence of a detailed Flood Risk Assessment (FRA) our client accepts the allocation and requirement to carry out a FRA to support proposals. In the event that a FRA identifies a greater area of land for development and given that this is located within the Dingwall Settlement Development Area, would hope that additional land could be included in a future planning application to include land for vehicular access, external storage, SUDS measures and landscaping. Access is preferred (by the Roads Authority) is from Dochcarty Road, which lies outside the Proposed Plan allocation.

Consider that in addition to Business allocation should allow for general Industrial uses broadening its potential and align more with the current market conditions.

Dingwall Auction Mart Limited (01068) - Highlights significant concern as to the lack of sufficient land for a material future expansion of the Dingwall Business Park. May lead to a curtailment of new business investment in Dingwall, however there is substantial undeveloped land lying to the north of Site DW9 which has never been known or shown to flood which comprises a logical option for extension of the Dingwall Business Park and should be given to the inclusion of this area for future business expansion.

Top soil stripped in any development could be utilised in enhancing existing flood prevention measures on or adjacent to the River Peffery. If this extension is not favourably received, then consideration should be given to additional land outwith the settlement boundary. All reasonable efforts should be made to encourage investment and business location to the Dingwall area.

Modifications sought by those submitting representations:

General

Dingwall Auction Mart Limited (01068) - Seeks inclusion of land to the north of DW7 behind and adjacent to the McConechys Tyre Depot for business allocation.

Social Housing Providers in Highland (04381) - Seeks relaxation in the limits to development at Dingwall North prior to completion of phases of the Kinnairdie Link Road.

Redco Milne Ltd (01251), Patricia Strack (01851), Amelia Windsor (01850) - Seeks infrastructure improvements prior to further development.

DW2 Dingwall North

Woodland Trust (04364) - Requirement for Tree Protection Plan in place includes 20m setback from all mature trees. Setback should be applied to entire woodland.

George Maclean (04047) - Seeks change to the number of houses allocated for the old Evanton road.

DW3 Dingwall North

Woodland Trust (04364) - Requirement for buffer from development, encompassing ancient woodland on northern edge at NH545602 and NH543602.

Colin Morrison (03972) - Removal of delineated area for development.

Louise Mckay (04031) - Removal of site from the Plan.

Donald Mackenzie (03975) - Seeks change to boundary of development area to protect existing, established woodland prevent potential destruction of historic drove road and possible road access from Ross Place.

S Grant (04062) - Removal of site from the Plan.

Woodland Trust (04364) - Requirement for substantial buffering.

DW5 Dingwall North

Woodland Trust (04364) - Inclusion of setback from mature trees of 20m applied to the entire area of ancient woodland.

DW6 Land opposite Sherriff Court

Rod Maciver (03937), Michael J Burns (04466) - Removal of site from the Plan

Gillian Galloway (04076) - Seeks modification to boundary of site and clarification of acceptable types of business development.

John Foley (03974) - Removal of the business/tourism element from DW6.

Mr Powrie (04119) - Removal of the site from the Plan (assumed) or seeks amendment to boundary and/or highlighting of access issues serving the site.

DW7 Dingwall Riverside (North)

Dingwall Petition (04494) - Removal of site for development.

Dingwall Auction Mart Limited (01068) - Seeks clarification regarding extent of likely contaminated area and propose amended use within proximity to town centre.

Patricia Strack (01851) ,Amelia Windsor (01850) - Removal of allocation DW7.

Scottish Environment Protection Agency (00523) - Removal from the Plan or a Flood Risk Assessment is carried out at prior to inclusion in the Plan which demonstrates that the proposals would comply with Scottish Planning Policy.

DW8 Dingwall Riverside (South)

Amelia Windsor (01850), Patricia Strack (01851) - Removal of allocation DW8.

Lidl UK GmbH (04356) - Inclusion of supporting text for DW7 (and also DW8) should expressly state that, notwithstanding the provisions of the Dingwall Riverside Development Brief, proposals that adversely affect the operation of adjacent premises and business will not be acceptable.

Scottish Environment Protection Agency (00523) - Removal from the Plan or a Flood Risk Assessment is carried out at prior to inclusion in the Plan which demonstrates that the proposals would comply with Scottish Planning Policy.

DW9 Land to East of Dingwall Business Park

Robin Gardner (01214) - Seeks change to the allocation to Business/Industry, Industry or Mixed Use.

Dingwall Auction Mart Limited (01068) - Seeks inclusion of land west of Docharty Road for business allocation.

Summary of responses (including reasons) by planning authority:General - Support

Redco Milne Ltd (01251), Dingwall CARS Stakeholder Group (04281) - Support noted.

General*Traffic - Kinnairdie Link Road*

Social Housing Providers in Highland (04381), Patricia Strack (01851), Amelia Windsor (01850) - The Council have taken a consistent approach to the level of development which can proceed prior to completion of the Kinnairdie Link Road. If alternative improvements and further modelling can adequately demonstrate that alternative off-site solutions can be used to mitigate the cumulative impact of development in this area on the local road network then these alternatives can be brought forward to facilitate development. The Council is progressing with the pending planning application for the Kinnairdie Link Road; in the interim the Council will continue to work with developers on measures to release road capacity through interim road and traffic management measures.

New Site not previously considered

North of DW7

Dingwall Auction Mart Limited (01068) - The area of land submitted lies within an identified area of flood risk and is also a greenfield site and as such it does not comply with Scottish Planning Policy [THC DW-GEN1 SEPA Flood Map-Dingwall and Scottish Planning Policy 2010 extract] in terms of avoidance with areas subject to flood risk. In relation to the absence of expansion to the west of Dingwall Business Park a partial expansion of the site has been identified on Strathpeffer Road (DW9), additionally there is scope for development on the brownfield sites of DW7 Dingwall Riverside (North) and DW8 Dingwall Riverside (South).

In addition to the issue of flood risk the site has been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a local business use. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the site should not be included in the Plan.

DW2 Dingwall North

George Maclean (04047)

Dingwall North – General

The allocations relating to Dingwall North specifically DW 2-5 are all subject to the Outline Planning Permission and Masterplan approved in 2006. [THC DW2-5 Planning Permission 05/00734/OUTRC] The masterplan and various permissions set out the various requirements for the delivery of the development. These include the safeguarding of important woodland, roads infrastructure improvements and contributions towards the wider road network.

In relation to the relaxation of limits to development, the Council have taken a consistent approach to the level of development which can proceed prior to completion of the Kinnairdie Link Road. If alternative improvements and further modelling can adequately demonstrate that alternative off-site solutions can be used to mitigate the cumulative impact of development in this area on the local road network then these alternatives can be brought forward to facilitate development.

Woodland protection

Woodland Trust (04364) - The existing developer requirements for this site includes the preparation of a Tree Protection Plan alongside a woodland management plan. These requirements sit alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage [CD1: Highland-wide Local Development Plan] provide protection for woodland in and adjacent the site. Accordingly, the Council believes the allocation should be retained without modification.

DW3 Dingwall North*Woodland and species protection*

Colin Morrison (03972), Donald Mackenzie (03975), Louise Mckay (04031), Woodland Trust (04364) - A Management Plan will be required for the existing woodland within the Tree Preservation Order as will tree protection measures during construction. Conditions imposed secure the requirements of the Council in retaining important woodland and to meet the terms of the Local Plan policy.

Tree felling on the site is being minimised to those already approved for removal through the permission for the distributor road and the developer will have to comply with statutory controls to ensure that nesting birds or any protected species are not disturbed. The development will have to appoint a management provider to maintain the woodland and open space/play areas.

The layout submitted with planning proposals incorporates the retention of a large number of the mature trees within the parkland area which are protected by a Tree Preservation Order, although the development of the site will lead to the loss of some specimens this is to be minimised, compensatory replacement of these trees will be required. Only those formally agreed by the Council can be felled/pruned. For the development of the distributor road the felling of 8 trees in the parkland area, at the pinch point in the site, has

already been approved. Felling is not permitted until such time as work commences on the associated phase of housing development. Road realignment below the castle may enable the retention of the mature Lime tree to the front of the castle.

These requirements alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage and Policies 58 Protected Species and Policy 59 Other Important Species [CD1: Highland-wide Local Development Plan] provide protection for woodland and species alike.

In respect of the footpath through Maggie's Wood, project work over recent years has improved the condition of the path and linkages to a footpath network to serve the wider development at Dingwall North has been required of successive planning applications in line with the approved masterplan and existing Ross and Cromarty East Local Plan (2006).

In relation to the development of the area to the west of Tulloch Castle the wall to the south of the site is to be retained in the approved development proposal [THC DW3 09-00304-REMRC Planning Permission and layout plan]

In terms of habitat there are potentially bat roosts within the site. Planning conditions will require that if during any works to any trees bats are found, you will require to stop work, contact Scottish Natural Heritage and if any bat habitat is to be disturbed it will be necessary to obtain a bat license from the Scottish Government prior to undertaking any further tree works. Accordingly, the Council believes the allocation should be retained without modification.

Flood Risk, Access, School capacity & Habitat

S Grant (04062)

Flood Risk

Concerns regarding Flood Risk will be addressed through the consideration of a planning application. The requirement to address any issues relating to surface water drainage and flood risk are set out in the related Highland-wide Local Development Plan at Policy 64 Flood Risk and Policy 66 Surface Water Drainage and the associated Flood Risk and Drainage Impact Assessment Supplementary Guidance. [CD1: Highland-wide Local Development Plan] Plan Assessment of the waste water drainage network will highlight the requirement for any improvements, to be funded by the developer.

DW4 Dingwall North

Woodland protection

The existing developer requirements for this site includes the Tree Protection Plan. This requirement alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage and Policies 58 Protected Species and Policy 59 Other Important Species [CD1: Highland-wide Local Development Plan] provide protection for woodland and species alike. Accordingly, the Council believes the allocation should be retained without modification.

DW5 Dingwall North*Woodland protection*

Woodland Trust (04364) - The existing developer requirements for this site includes the Tree Protection Plan. This requirement alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage and Policies 58 Protected Species and Policy 59 Other Important Species [CD1: Highland-wide Local Development Plan] provide protection for woodland and species alike. Accordingly, the Council believes the allocation should be retained without modification.

DW6 Land opposite Sherriff Court*Access*

John Foley (03974), Mr Powrie (04119) - The potential for business/tourism uses will need the delivery of a Transport Assessment to assess capacity for traffic generating uses. The area already plays host to the Ross Memorial Hospital, Dingwall Health Centre, Dingwall Sheriff and JP Court and Ross County Football Club, so already accommodates a variety of business uses and further uses of this nature would not be incompatible.

Flood Risk and Ownership

Rod Maciver (03937), Gillian Galloway (04076), Mr Powrie (04119), Michael J Burns (04466) - The risk of flooding in parts of the site is acknowledged due to the low lying nature of the site. Further to discussion with The Highland Council's Flood Risk Management Team it has been concluded that a flood risk assessment will be required to demonstrate topographic levels. Flood Risk Assessment would be required to demonstrate that there would be no detrimental effect on adjacent properties. In regard to the boundary extent impacting on private residential gardens, the Council suggest that this minor boundary change should be made to reflect correctly the allocation extent. Accordingly, the Council believes the allocation should be retained without modification other than to correctly reflect the boundary.

DW7 Dingwall Riverside (North)*Access*

Amelia Windsor (01850) ,Patricia Strack (01851), Dingwall Petition (04494) Proposals for development at Dingwall Riverside would have to be supported by a transport assessment to demonstrate capacity for development and also identify any mitigation measures. However, the concerns relating to non-residential traffic on Craig Road are noted and this may be resolved subject to ongoing discussions with Network Rail over the closure of level crossings in Dingwall. Depending on the scale of development brought forward on this site it may be possible to secure traffic management plans which ensure non-residential traffic uses the A862 for access.

Flood Risk

Scottish Environment Protection Agency (00523), Dingwall Auction Mart Limited (01068) - The risk of flooding in parts of the site are acknowledged. However, the site forms a

brownfield opportunity within the centre of Dingwall which is partially derelict and disused and the potential for redevelopment on the site demands investigation. Further to discussion with The Highland Council's Flood Risk Management Team has concluded that following a flood risk assessment it is envisaged that development can proceed on the brownfield areas of the site subject to mitigation being put in place. The comments related to the capability of the brownfield areas of the site being able to be redeveloped subject to no increase in vulnerability will be referenced in the plan however to ensure a comprehensive approach to flood risk a flood risk assessment will be required.

Housing allocation

Dingwall Auction Mart Limited (01068) - The area identified for a potential housing site is situated on existing greenfield land which is lower lying than the rest of the site and as such is more vulnerable to flooding than much of the site. As such the Dingwall Riverside Development Brief does not identify this area for development but for recreational community use. Given potential flood risk issues it is not considered appropriate to identify this area for residential development. Flood risk is the determining factor as to inclusion of this site. Given the significant risk of flooding on the site and the need for a FRA prior to inclusion in the plan it is considered that inclusion of the site without this information would be contrary to Scottish Planning Policy. While other sites in Dingwall which are at risk of flooding have been identified the risk of flooding does not affect all of those sites or they involve an element of brownfield redevelopment which this site would not. Accordingly, the Council believes the allocation should be retained without modification.

DW8 Dingwall Riverside (South)

Access

Amelia Windsor (01850), Patricia Strack (01851) - Proposals for development at Dingwall Riverside would have to be supported by a transport assessment to demonstrate capacity for development and also identify any mitigation measures. However, the concerns relating to non-residential traffic on Craig Road are noted and this may be resolved subject to ongoing discussions with Network Rail over the closure of level crossings in Dingwall. Depending on the scale of development brought forward on this site it may be possible to secure traffic management plans which ensure non-residential traffic uses the A862 for access.

Development Brief and Flood Risk

Scottish Environment Protection Agency (00523), Redco Milne Ltd (01251), Lidl UK GmbH (04356) - The Dingwall Riverside Development Brief [THC DW8 Dingwall Riverside Development Brief January 2010] covers this site and provides options for the development on it taking into consideration the constraints and opportunities presented. The brief also reflects the extant planning permissions across the site.

The site forms a brownfield opportunity within the centre of Dingwall which is partially derelict and disused. The risk of flooding in parts of the site are acknowledged. Further to discussion with The Highland Council's Flood Risk Management Team it has been concluded that following a flood risk assessment it is envisaged that development can proceed on the brownfield areas of the site subject to mitigation being put in place. The comments related to the capability of the brownfield areas of the site being able to be redeveloped subject to no increase in vulnerability will be referenced in the plan however

to ensure a comprehensive approach to flood risk a flood risk assessment will be required.

It is proposed that this site will be included in the proposed plan for a mix of uses in line with those identified in the Dingwall Riverside Development Brief which will be revisited, including a consultation period with all interested parties to ensure the scope of the Brief does not compromise existing users; and upon successful conclusion, adopted as Supplementary Guidance.

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

DW9 Land to East of Dingwall Business Park

Extent of development and Flood Risk

Robin Gardner (01214) - The extent of allocation has been guided by the Flood Risk Assessment (FRA) carried out for the development of the Kinnairdie Link Road [THC DW9 Planning Application 11/02695/FUL pending and Flood Risk Assessment mapping extract] identified the risk of flooding on the wider site outwith the indicated site boundary. It is accepted however that the identified elements of this site lie outwith the flood risk area. A further detailed FRA may indicate that a larger area is available for development and any application for development could be assessed against Highland-wide Local Development Plan Policy 34 Settlement Development Areas [CD1: Highland-wide Local Development Plan] and assessed for compatibility with adjacent uses. In relation to the potential uses on site, the site the allocation is situated on a main roadside and development of business/light industrial uses are appropriate to surrounding uses; consider that the allocation should retain an indicative use of business/light industrial.

Consider that it may be appropriate to highlight that access should be from Dochcarty Road. The Council would support such a change should the Reporters wish to recommend it.

Dingwall Auction Mart Limited (01068) - The flood risk assessment carried out for the development of the Kinnairdie Link Road has confirmed that the land to the north is subject to flood risk and has not been included in the allocation as a consequence. Any improvements or provision of flood defences require to be undertaken by the Council with planning and flood prevention requirements to be satisfied. The Council has identified a number of mixed use developments in Dingwall in order to adequately provide opportunities for business development. Consider there is no requirement for further identification of business land. Accordingly, the Council believes the site should not be included in the Plan.

Reporter's conclusions:

General

Traffic - Kinnairdie Link Road - The Highlands Small Communities Housing Trust (04381), Patricia Strack (01851), Amelia Windsor (01850)

1. Paragraph 4.51 makes clear the need for the completion of the Kinnairdie Link Road in order to release opportunities for housing growth. This constraint is confirmed in paragraph 4.56, which also sets out the two phases under which the road will be constructed. At present land at Dingwall north is limited to 90 – 100 houses, which I note

from my site inspections are already under construction with significant progress (see below regarding site DW5). Construction of phase 1 of the road will enable the release of land for an additional 100 houses.

2. I consider the proposed plan to be quite clear regarding this. The plan also sets out how financing will be helped through an updated Dingwall Developer Contributions Protocol, to be adopted as statutory supplementary guidance. The council's comments also set out how it will work with developers on measures to release road capacity through interim road and traffic management measures. Under all these circumstances I do not find any justification for modifying the plan.

New Site not previously considered - North of DW7 - Dingwall Auction Mart Limited (01068)

3. As well as potential business expansion this representation also proposes allocating part of this site for affordable, sheltered or retirement housing. The site is located to the north of site DW7 and is divided from it by the Kyle railway. It is also outwith the settlement boundary. According to SEPA's flood risk map (THC DW GEN1) it is subject to a medium riverine flood risk and I therefore consider it unsuitable for housing use in present circumstances.

4. While there may be types of industrial development that would be appropriate on potentially floodable land no specific examples of the need for such a site have been put forward. In addition there is land currently available within the adjacent site DW7 that is largely free of flood risk.

5. As the council also points out this proposal has come too late in the process to be considered properly as a potential site for inclusion in the plan. The council adds that a call for sites for the next plan will be made within two to three years, and that a planning application could be brought forward in the interim as a departure from the development plan should a pressing need for the land emerge. I find no justification for modifying the plan.

DW2 Dingwall North

General - George Maclean (04047)

6. I note that planning permission in principle for 500 houses was granted in May 2006, subject to comprehensive conditions (THC DW2-5), and a master plan approved for this and sites DW3, 4 and 5. I note that subsequent permissions set out the requirements for necessary roads infrastructure improvements. Also, at my site inspection, I saw that the road connection and drainage links to the site are already in place. The impact of the proposals on property values does not form part of my remit. There is no need to modify the plan on infrastructure grounds.

Woodland protection - Woodland Trust (04364)

7. The council quotes Highland-wide Local Development Plan policies 51 and 57 regarding the protection of trees and the natural environment. I note that developer requirements also include the preparation of a tree protection plan. At this relatively late stage in the development process, with planning permission granted and initial site infrastructure already in place, no modification is needed.

DW3 Dingwall North

Woodland and species protection - Colin Morrison (03972), Donald Mackenzie (03975), Louise Mckay (04031), Woodland Trust (04364)

8. This site is covered by the planning permission in principle referred to above. The masterplan and subsequent permission for matters specified in conditions (THC DW3) make provisions for tree protection and the ongoing maintenance of the woodland (conditions 16, 17 and 18 of permission 09/00304/REMRC). Conditions 19 and 20 make provisions for habitat and species protection. I note that approvals have already been given for the felling of those trees that is necessary as part of the planned development of the site, with replanting as appropriate in accordance with the policies.

9. At this late stage in setting out the plans for the site and the granting of permissions I consider that the issues raised in the representations have been properly addressed. There is no need to modify the plan.

Flood Risk, Access, School Capacity & Habitat - S Grant (04062)

10. As the council points out, any flood risk matters will be considered through the planning applications and any requirements set out in conditions. The site is not included in SEPA's flood risk maps and it is likely that any local problems can be dealt with through site drainage. The representee appears to be concerned primarily with the blocking of existing drains with rubble, and that is a matter for the drainage authorities to consider. No modification is needed.

11. The council has not commented specifically on access, school capacity and habitat in relation to this representation. The representee is concerned with access in winter on steep slopes, but this is not a matter for the local plan. No evidence has been provided regarding school capacity. No habitat matters are raised that have not been dealt with above. No modification is required.

DW4 Dingwall North

Woodland protection - Woodland Trust (04364)

12. This refers to ancient woodland along the southern part of the site. The site is part of the group of sites covered by the planning permission in principle granted on 2006, and covered by a master plan. The site requirements include a tree protection plan. Although specific proposals have not progressed as far as those for the other involved sites, DW2, 3 and 5, when these do come forward they will be subject to the additional protection provided through the Highland-wide tree protection policies 51 and 57. No modification is needed.

DW5 Dingwall North

Woodland protection - Woodland Trust (04364)

13. For the reasons set out above in relation to sites DW2, 3, and 4 provision has already been put in place to ensure tree protection, and I am satisfied with this. I also note from my site inspection that house construction is well under way, starting from both the western and eastern ends of the site. More than half the houses on the site appear to be

nearing completion. Therefore no modification is needed.

DW6 Land opposite Sherrif Court

Access - John Foley (03974), Mr Powrie (04119)

14. The principle concerns are that business and tourism development would allow an unacceptable increase in traffic into what is described as a residential area. Although there is housing to the north and east of the site there is open ground around the southern half of the site, with the railway to the east. Also the wider vicinity of the site includes, as the council has noted, the hospital and health centre, law courts, and Victoria Park football ground. The principle of a wide variety of uses in the area is therefore established.

15. The site requirements include a suitable access from Ferry Road, and from my site inspection there appears to be sufficient suitable available ground for one to be formed. I do not see the issue as one of access so much as additional traffic on Ferry Road and consequent potential additional congestion on the one-way system, especially at the junction with Greenhill Street, the A862 through the town. Although the council says a transport assessment will be needed the requirements do not state this. There would be benefit in adding this requirement so that there is no ambiguity about its need.

Flood Risk and Ownership - Rod Maciver (03937), Gillian Galloway (04076), Mr Powrie (04119), Michael J Burns (04466)

16. Although the site is shown as largely free from risk on SEPA's flood risk map, photos submitted with representations show a large part of the site as being recently under water. While this may be due to drainage deficiencies as opposed to genuine flood risk, the site is low lying and close to the sea. This may be capable of resolution, but in the meantime there is a genuine fear from local residents.

17. The site requirements already require a flood risk assessment, and representee scepticism about this is not a reason for excluding the site from the plan. SEPA will have to comment on any assessment prepared and in my experience any inadequacies will be pointed out. I do not consider a further modification is necessary.

18. The council has acknowledged an error in the site plan through the inclusion of a private garden. This error should be corrected.

DW7 Dingwall Riverside (North)

Access - Amelia Windsor (01850) ,Patricia Strack (01851), Dingwall Petition (04494)

19. I note that to some extent existing traffic problems on Craig Road may be resolved by the closure of the level crossing on the Kyle line. Although apparently under consideration there is no certainty about this, although ongoing discussion are referred to in the proposed plan.

20. I saw from my site inspection that site DW7 is already partially developed with a variety of small businesses, and it clearly provides a valuable location for these. Part of the site is derelict and there is some greenfield land. While there thus is scope for further development, and the improvement of existing properties, I understand local residents' fears about further traffic congestion. The council refers to a transport assessment but

this is not listed in the site requirements, which relate to those in the Dingwall Riverside Development Brief. Traffic congestion as an issue is not referred to in the brief. To give assurance that the matter is being properly considered it should be added to the list of site requirements.

Flood Risk - Scottish Environment Protection Agency (00523), Dingwall Auction Mart Limited (01068)

21. The SEPA flood risk map shows that parts of the north and west of the site are at medium risk of riverine flooding. The Dingwall Riverside Development Brief considers the flooding issues, and a flood risk assessment is considered necessary. This has been carried over into the site requirements in the proposed plan. In my view the preparation of an assessment is the way to deal with the potential flooding problem, with the outcome defining possible scope for development. No modification is required.

Housing allocation - Dingwall Auction Mart Limited (01068)

22. I have dealt with issues of flooding and housing development on adjacent land to the north, outwith the site, above. The same considerations apply to the land proposed for housing development within the site. As the council points out this is a greenfield area that is lower lying than most of the site and because of its vulnerability to flooding I consider it unsuitable for housing development. I note that the Development Brief considers the site suitable for community recreational use, which may be less vulnerable to flooding. No modification is needed.

DW8 Dingwall Riverside (South)

Note: On the Dingwall settlement plan this site is shown incorrectly as 'DW11'. A modification should be made to correct this.

Access - Amelia Windsor (01850), Patricia Strack (01851)

23. The issues here, and the council's response, are the same as those set out for site DW7 above. My own comments above also apply. The site requirements in the plan are shown as: 'See site DW7.' This would also include my modification requiring a transport assessment, and no further modification is necessary.

Development Brief and Flood Risk - Scottish Environment Protection Agency (00523), Redco Milne Ltd (01251), Lidl UK GmbH (04356)

24. More than half of the site is at medium risk of riverine flooding, and the council's comments relating to site DW7 above also apply here. This is acknowledged in the Dingwall Riverside Development Brief and reflected in the site requirements, which are the same as those for site DW7, as referred to above. As with that site I consider that the requirement for a flood risk assessment is an acceptable way of dealing with the risk, and the plan acknowledges that it may restrict the developable parts of the site. No further modification is needed.

DW9 Land to East of Dingwall Business Park

Extent of development and Flood Risk - Robin Gardner (01214)

25. Although not easy to read in detail it appears to me from both the SEPA flood risk map and the Kinnairdie Link Road flood risk assessment (THC DW9) that the proposed site is not entirely clear of risk, albeit at a low level of riverine flood on the SEPA map or a 1 in 200 year event on the link road assessment. Given the designation of the site for business and light industrial use this may not be a major issue, depending on the specific proposals put forward. I note that the developer requirements include a flood risk assessment with the comment that the outcome could affect the developable area of the site.

26. From my site inspection there appears no inherent problem to extending the site to the east, other than the flood risk. The council accepts that any access to the site, from Docharty Road, would come through this area to the east and should be identified on the plan. The representee notes that a planning application could be brought forward for this land and be dealt with under relevant development plan policies. It is accepted that a more detailed flood risk assessment would be required and that this could potentially restrict the developable area.

27. The council acknowledges a planning application as a possible way forward, identifying Policy 34 Settlement Development Areas of the Highland-wide Local Development Plan as the relevant one under which to assess any proposals. Given the council's proposal to include the access through this area, with which I agree, this would appear to be a sensible way forward for the industrial uses sought, compared to the main road side location of the designated site. Other than the inclusion of the access no other modification is needed.

Dingwall Auction Mart Limited (01068)

28. The land to the north of site DW9, between it and the River Peffer, is covered almost entirely by a low, medium or high riverine flood risk on SEPA's flood risk map. For this reason the council is concerned as to its development capability and notes the need for it to carry out any necessary flood defence work. In these circumstances the omission of the site appears sensible.

29. The council also points out that there are other allocated sites within Dingwall that will provide adequately for business development. Other than flood risk, which is undoubtedly a major consideration, there do not appear to be any inherent problems in developing the site. It seems to me that a detailed flood risk assessment is needed, which could then help assess the practicality, or otherwise, of developing the site. If feasible it could then be brought forward for consideration during the preparation of the next local development plan. In the meantime I do not find the proposed modification justified.

Reporter's recommendations:

It is recommended that:

1. Under the requirements for site DW6, after 'Ferry Road;' add: "Transport Assessment;"

2. The boundary for site DW6 should be modified to exclude the garden ground shown on the plan attached to representation 04119.
3. Under the requirements for site DW7, at the end of the list of requirements add: "A Transport Assessment is also required."
4. On the Dingwall settlement plan delete 'DW11' on the Riverside (South) site and replace with:"DW8".
5. Under the requirements for site DW9, at the end add a new sentence: "Access to be taken from Dochcarty Road", and mark an indicative access on the Dingwall settlement plan.

Issue 23	Fortrose and Rosemarkie	
Development plan reference:	(Para 4.59, Page 80)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Water (00396) Highland & Islands Green Party (00491) Stuart Edmond (00647) Tom Lloyd (00771) James Grant (00920, 04239) Donald John Morrison (00926) Gordon Grant (00981) Fraser Hutcheson (00986) Scorielea Self Catering (01042) Deborah Guthrie (01085) Tom Forbes (01127) Ann Forbes (01129) Erlend Tait (01139) David Guthrie (01199) June Bevan-Baker (01291) Brenda Steele (01299) Naomi Lloyd (01331) John Hossack (01409) Gwyn Phillips (01888) Fortrose & Rosemarkie Community Council (01889) Ian Carus (02037) Inverness Rowing Club (02203) Ronan Lloyd (02245) Kenneth Fraser (02265)</p>	<p>Paula Sime (03807) Philip Mudge (04005) Greg Mudge (04009) Black Isle Swimming Pool Foundation & Resident (04059) Douglas Barker (04084) John Donaldson (04088) Kirk Tudhope (04131) Laurence Lockhart (04139) Gwen Anton (04209) Calum Anton (04223) Craig Fraser (04233) Helen & Michael Duffy (04269) Nick Lake (04283) David & Pamela Macintyre (04292) Pamela Macintyre (04293) Rachel McBride (04322) Iain Sime (04369)) The Co-operative Group (04406) Wylie (04413) Trustees of Mrs E Clouston (04417) Trustees of the late Mrs E Clouston (04423) Diane Kinnear (04468) Susan Blease (390)</p>	
Provision of the development plan to which the issue relates:	Fortrose and Rosemarkie	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><u>Introductory text:</u></p> <p>Scottish Water (00396) - Scottish Water suggested amendment: Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be planned and delivered across the lifespan of the plan and beyond at the Assynt Water Treatment Works; this makes it clear that there is existing capacity and that a cumulative effect over time may require investment but does not present an issue currently.</p>		

Settlement Housing Requirements & Phasing

Fortrose & Rosemarkie Community Council (01889) - Fortrose and Rosemarkie Community Council state that although housing demand is given in detail there are no matching population details.

Potential for coalescence:

Douglas Barker (04084) - Supports paragraph 4.60 and supports text which states that opportunities for the growth of Fortrose and Rosemarkie are influenced by the desire to maintain a clear visual and physical break in the built environment between them, to retain their distinct identities and avoid coalescence and considers that this should be the cornerstone of for any future development; considers the Ness Gap the best option for growth in Fortrose and Greenside Farm the best option for growth in Rosemarkie.

Iain Sime (04369) - Supports the retention of the gap between Fortrose and Rosemarkie to the north and south of the main road.

Ann Forbes (01129) - Maintain a visual and physical break in the built environment and avoid coalescence; there are significant constraints that effect future development of Fortrose and Rosemarkie including impact on scenic quality.

Inadequate infrastructure

Black Isle Swimming Pool Foundation & Resident (04059) - Considers that there should be no further expansion of the Waste Water Treatment Works (WWTW) at its present location, or if not expansion should be considered away from residential area and directed towards the hillside; the Council through its desire to maintain a physical gap amounts to recognition that the WWTW should not be located here.

Brenda Steele (01299) - Seeks no further allocation of land for development in Fortrose for the following reasons; traffic congestion/parking/road network issues; capacity at the Academy; WWTW efficiency and capacity; and NHS primary care unit capacity.

Fortrose & Rosemarkie Community Council (01889) - Fortrose and Rosemarkie Community Council consider there is a need for the following new facilities to cope with increased demand: car parking, new primary school, day-care centre, medical services, public toilets and swimming pool. Fortrose and Rosemarkie Community Council consider that Fortrose and Rosemarkie should not have an SDA as development here should be constrained because of the agricultural land, impact on landscape, poor infrastructure, and because of its distance to the A9 Growth corridor.

Miscellaneous

Laurence Lockhart (04139) - Seeks provision in Plan for public toilets at Chanonry point car park due to public health problems caused by lack of this facility.

Tom Forbes (01127) - Seeks protection of land on Rosemarkie side of Ness Road

Brenda Steele (01299) - Seeks mention of the importance of agriculture to the Black Isle.

Erland Tait (01139) - Seeks protection of high quality farmland at Chanonry point for local food production, and is concerned about flexibility of definition when referring to land that could accommodate over 130 new homes.

Ann Forbes (01129) - Remove designation of Fortrose and Rosemarkie as a Town

New Sites Previously Consulted on

MIR site MU2

Douglas Barker (04084) - Seeks that MU2 from the MIR should be considered as a housing allocation or should not include light industrial use as this would minimise impact on residential amenity.

New site previously consulted on:

MIR site H3

Trustees of the late Mrs E Clouston (04417), Trustees of the late Mrs E Clouston (04423) - Seeks allocation of H3 from the MIR for 8 homes and inclusion of this within the Settlement Development Area (SDA) for the following reasons: it was in the existing Ross and Cromarty East Local Plan [CD3, Fortrose and Rosemarkie map inset] and was preferred in the Main Issues Report (MIR) [CD5, H3, Pages 80-81]; the Council recognised that this would round off the settlement to the north east; there is no justification given for the change in its assessment and the stated significant landscape and visual sensitivity of this site; it is not as is stated by the Council identified in the East Ross Settlement Landscape Capacity 2001 as an area unsuitable for development, it is identified as an undeveloped site and as the site is zoned for development the landscape constraints are not assessed in this assessment; the background text for Fortrose in the adopted Local Plan details that the town maintains a high level of housing demand, particularly from people who work in Inverness or are retired and sets out housing predictions of a combined requirement for up to 144 more houses within Fortrose and Rosemarkie by 2011, with a further 96 houses from 2011 to 2017 [CD3, Fortrose Settlement text, Page 72], and inclusion of H3 would ensure an effective and flexible supply of housing land in Fortrose; issues with the local road network and lack of pavement provision have not previously prevented its allocation and the RACE Local Plan identifies, "There is also a need to consider the implications of future development on the local road network and if necessary secure appropriate mitigation"; disputes the Council's assertion that because it has been in successive Local Plans without development that it is an ineffective site referring to paragraph 55 of the Planning Advice Note (PAN) 2/2010: Affordable Housing and Housing Land Supply and demonstrating that it meets these requirements (availability, deficit funding, free from physical constraints and contamination, ability to be serviced, marketability – capable of being delivered over the plan period, infrastructure, and land use) [THC, FR General/1, Page 17, PAN 2/2010]; and disputes the concerns raised at the Proposed Plan stage regarding access and landscape and visual concerns as all can be suitably addressed; it was in the existing Ross and Cromarty East Local Plan and was preferred in the Main Issues Report; there were less objections about preserving the gap in relation to this site than there were to the other sites proposed in the gap in the consultation responses to the Main Issues Report; the sites lies partly above an existing housing development and the existing cemetery, and the rest lies above the proposed extension to the cemetery; suitable landscape and planning requirements and careful design can mitigate the landscape impact; there is limited

visibility impact from other development on Easter Watergate road in recent years; visibility impact is not detrimental enough to justify exclusion of the site; with regard to access and infrastructure whilst there are challenges these are resolvable

With regards to the effectiveness of this site: when earlier zoned it was considered to be a long term site, following the death of Mrs Clouston in 2006 it became apparent that the ongoing use of the land or agricultural use was not viable; in 2008 the trustees were approached by a developer with a view to obtaining planning permission with access initially being considered from MacKeddie Drive; a lower density site for 6-8 houses emerged as more practical as did access from East Watergate road; discussions with the planning department and interested parties took a considerable period of time and the property recession had developed; that developer withdrew at the end of 2011/start of 2012 due to significant costs associated with submission of a new planning application; due to financial considerations the owners needed developer input and so decided to wait until the project was more attractive and viable to developers; it is considered that this land should be retained as an allocation to provide flexibility and choice; and that there is likely to be an increasing interest in this project with the economy recovering.

Black Isle Swimming Pool Foundation & Resident (04059) - Supports sites that cater for self build and considers that housing at East Watergate and leading to Wards Farm are part of the village structure and could be reinforced by further small scale development.

MIR site H6

Wylie (04413) - Seeks allocation of H6 from the MIR for the following reasons: to maintain an effective housing land supply to address the housing requirements and demand; as part of this site at Upper Wards is a residential allocation within the adopted Ross and Cromarty East Local Plan (adopted February 2007) for a courtyard style development [CD3, 7. Upper Wards, Page 74].

In terms of mitigation it is proposed: not to develop the whole site within their ownership for residential use as the scale is unsuitable for a settlement of this size and the development of the site as a whole would have landscape and visual impacts; the scale proposed is in keeping with the existing settlement pattern; the development of the site proposed would also ensure that there remains a distinct separation between Rosemarkie and Fortrose; the land at Upper Wards represents a natural extension to the settlement boundary; the site is capable of being developed for low density housing and can be sensitively designed to mitigate against landscape and visual impact creating a low density housing development that is sympathetic to the settlement pattern and landscaped setting; also the design of the development can be controlled through planning policy requirements for a design statement/development brief to be prepared for the site.

With regard to maintaining an effective housing land supply the Council has not identified an effective housing land supply in this area (referring to the Chief Planner letter to all the Heads of Planning on the 29th October 2010), for the following reasons: the background text for Fortrose in the adopted Local Plan details that the town maintains a high level of housing demand, particularly from people who work in Inverness or are retired and sets out housing predictions of a combined requirement for up to 144 more houses within Fortrose and Rosemarkie by 2011, with a further 96 houses from 2011 to 2017 [CD3, Fortrose Settlement text, Page 72]; the emerging Development Plan proposes to allocate only one residential site within Fortrose and work has site has started on site and it is assumed will be completed in the short – medium term; it is identified in the adopted Local

Plan that Fortrose attracts a high housing demand as it is within commutable distance from Inverness and demand is likely to increase and the residential market continues to improve; the allocation of the land at Upper Wards for residential development allows the Council to maintain an effective housing land supply to meet current and anticipated increase in demand at Fortrose; this is an effective housing site that is free from constraints that would impact on the delivery of the site for residential use; the site is capable of being delivered during the plan period; our client has undertaken pre-application discussions with the Council in relation to the proposed submission of a planning demonstrating commitment to bring the site forward for development.

MIR site MU3

The Co-operative Group (04406) - The Co-operative group object to the inclusion of retail as part of the FR2 allocation and seek allocation of land (MU3 from MIR) at Rosemarkie Road for mixed use including retail development [04406/FR, General/1, Site Plan].

Supports new retail provision for the following reasons: the current store at 219 sq m, scale, nature and characteristics no longer suits its customers; aisles are too narrow, there is general congestion around the checkout area; the entrance foyer is too restricted; checkout provision is insufficient; congestion makes it difficult to replenish shelves; insufficient floor space to provide sufficient range of goods; insufficient storage area meaning more frequent deliveries; these deficiencies cannot be resolved through reorganisation of layout; has lead to council enforcement over storage of materials outwith store; it does not meet customer expectations and demands and does not meet the Co-operatives standards; the proposed 557 sq m store is commensurate with the role and function of Fortrose; and the attached retail study (providing sequential and retail impact information) supports its allocation [04406/FR General/2, Retail Study].

Supporting the need for an enhanced store: it is considered that the scale proposed is commensurate with the role and function of the town; the retail study which is attached to this representation provides more detail but the key points are as follows: that the existing stores only capture £5.3 million expenditure of the £12.68 million convenience good expenditure available within the catchment; of the £2.8 million of the proposed new stores turnover would be drawn from the local catchment, £1.7 million would be drawn from the existing Co-operative store and this leaves a balance of £1.1 million which would be largely drawn from the £7.33 million of trade that is currently leaking from the Fortrose catchment; a minimal amount of trade would be drawn from the stores in the catchment which would not affect their long term viability and would not adversely impact on the town centre; also the other convenience retailers provide specialist bakery and butchery products and the relocated store would not provide in store bakery or fresh butchery counter and therefore would not compete with these businesses; instead the Co-op proposal has the potential to bring trade back to the area and for spin off expenditure to be generated.

Supports the relocation and expansion of the Cooperative store but considers FR2 an inappropriate location for the following reasons: it goes against the masterplan planning permission approved uses for this land; this site does not meet the sequential approach; it has been allocated without the Council knowing whether it would have an unacceptable impact on existing centres; it does not regard commercial realities (the Council has not assessed whether retail in this location would be suitable or viable); the site is physically and functionally detached from the High St and has no visibility; the Council has not complied with SPP which requires identification of suitable and viable sites in terms of

size, location and availability within a reasonable time period and indicating how and when constraints could be resolved; conflict with residents amenity would require restrict opening hours and servicing arrangements; the Co-operative have no commercial interest in this site; considers that because it lies 480m away from the High st and outwith the 400 m benchmark distance for active travel it represents out of centre rather than edge of centre location; also it lies 310 metres from the bus stop and is not accessible from a choice of transport modes.

Supports allocation of land at the junction with Rosemarkie and Ness road for the proposed store following reasons: their supporting retail study demonstrates that there are no suitable or available sites within or on the edge of Fortrose town centre; it is the most commercially suitable site for new retail development in Fortrose; the site is roughly 190 metres from the defined town centre which is significantly closer and is highly accessible by a choice of transport modes; there are no sites within or on the edge of the town centre which are suitable or available; it has a stronger link with existing commercial operations maximising spin off benefits; it has good visibility/high trading profile; and is sequentially preferable to the Ness Gap site; it would provide a new planned defensible boundary and more uniform boundary when considering adjacent uses; it would not encourage coalescence; it will have no significant adverse impacts upon the environment, landscape, heritage resources and nature conservation; it will have a beneficial impact through high quality proposals that respect local character, delivering an improved landscape setting; and the proposal complies with national, strategic and local planning policy.

Fraser Hutcheson (00986) - New site previously consulted on: Objects to the FR2 allocation for business, office, tourism or retail and seeks allocation of land at junction of Ness Road and A832 (MU3 from the Main issues Report and seeks the mapping to be adjusted as per attached mapping) [00986/FR General 3, Site Plan]. for the following reasons: FR2 only provides faint hope of potential for business, office, tourism or retail development and does not respond to the Co-operatives urgency; there are residential amenity issues; traffic implications; it is not edge of centre since it does not adjoin the centre and is not intervisible with the High St; if the nearest commercial building is taken to be the centre then it is 510 and 590 m distant by the two shortest routes whereas the Ness Gap site is 225 m; it is 310 m from the bus stop whereas the proposed site is 100 m from two; it falls outwith the 400 m straight line distance for active travel; it falls behind on sequential test to objection site; and the public do not favour this site.

Co-operatives representation establishes that there is capacity for the 557 sq m retail provision proposed and that it meets national policy. Considers that any land excambion with the George V playing field: would not bring the store closer to the High St; would remove established amenity that is part of its history as a royal burgh; is against Policy 75 of Highland Wide Local Development Plan and Green Networks Supplementary Guidance which is to safeguard established open spaces; it would not be intervisible with the High St and would be less visible from the A832 making it less marketable and viable; is in closer proximity to residential area for amenity issues; it is not reasonable to expect costs associated with relocation of comparable pitch and parking to be met by the retailer; and the objection site is too narrow to accommodate the pitch.

Seeks allocation of land at junction of Ness Road and A832 for mixed use retail, business/community and tourism (shown on attached map) with a requirement for a masterplan for the following reasons: it meets the Co-operatives operator requirements; the site would not adversely affect prime agricultural land as it is not part of an agricultural unit and is limited in its encroachment (1.8 hectares); there is no heritage or physical

constraints and its serviceable; it is within a building line consistent with existing infrastructure and development; it is accessible, and has good links to existing commercial provision on High street and heritage attractions towards the waterfront and the uses proposed depend on links to strategic transport routes; the site by location, form and orientation is the logical position for uses of this nature; it would not set a precedent for further development between Rosemarkie and Fortrose and could be designed as a stop to the village; the site would read within the village edge in principal views from Chanonry direction; the precedence for development east of Ness Road is established; the gap between Rosemarkie and Fortrose is closer at other points, and would not bring the communities closer than they currently are; it would not have an adverse impact on existing shops as it could not support a specialist butcher or bakery, would complement existing businesses, and encourage interaction; it has already been subject to non statutory public engagement (with a balance of support and opposing views) and they will continue to work closely with the community in developing the proposal.

In favour of this package, this mixed use proposal can deliver: commercial, and community opportunities - potential exists here for social facilities or health care, a 6,000 sq ft shop, a suite of small commercial/business units also 6,000 sq ft, local offices, a craft business, improved tourist interpretative facilities with a visitor centre, and provides opportunities for growing as a sustainable service centre; relocation of co-operative shop from High St improving capacity for local shopping as a food store double the current size would address under provision, hold customers and discourage shopping trips to Inverness; improve parking and servicing, could possibly incorporate park and ride, may not increase traffic significantly (however this will be assessed through a Transport Assessment and is not a policy matter), and will help decongest the town centre allowing public safety improvements; it allows for servicing from the A832, public access from Ness Road, 100 car parking spaces and 4 coach spaces as agreed in principle with the Councils TECs service notwithstanding Transport Assessment; and a Transport Statement accompanies to demonstrate that the development site is accessible via various modes of travel [00986/FR General 4, Pages 1-47, Transport Statement], a feasible access strategy can be provided, and that it will reduce overall annual mileage in the Black Isle region consistent with local and national transport planning policy requirement; a visitor centre would enhance the heritage resource and interpretation (with Fortrose already one of the top dolphin watching locations) helping hold this tourism and enhance the town's role as tourist centre; there lack of opportunity for economic development and this would provide opportunity for small shops, business/office units which provide employment.

James Grant (00920) - Seeks continued exclusion of the non preferred MU3 site from the Main Issues Report for the following reasons: loss of high value agricultural land; it would commence coalescence of the two villages, which is strongly opposed by the communities and the Council; It would detract from the existing town centre (adversely affecting existing shops here); suburban development imposed in a rural location detracts from the area and discourages tourism; it would not fit in with adjacent buildings; local road network is over capacity and no infrastructure or facilities are provided by this development.

Allocation of land between FR3 and the WWTW

Stuart Edmund (00647) - Seeks allocation of land between FR3 and the WWTW for commercial and light industrial uses for the following reasons: FR3 is not required for a cemetery extension as the existing cemetery is half full and would be better accommodated on higher ground; the settlements are only a short distance apart and are linked, sharing services, and joined for civic purposes 400 years ago and should be joined

together at least on northwest side where there is already a WWTW plant; questions land use strategy of focusing development within existing village centres and on prime agricultural land.

FR1 Greenside Farm

Philip Mudge (04005), Greg Mudge (04009), John Donaldson (04088), Kirk Tudhope (04131), James Grant (00920), Tom Lloyd (00771), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Deborah Guthrie (01085), John Hossack (01409), Ian Carus (02037), David Guthrie (01199), Nick Lake (04283), Iain Sime (04369), June Bevan-Baker (01291), Helen & Michael Duffy (04269), Highlands & Islands Green Party (00491), Diane Kinnear (04468), Gwyn Phillips (01888), Fortrose & Rosemarkie Community Council (01889), Iain Sime (04369), Naomi Lloyd (01331) - Respondents including Fortrose and Rosemarkie Community Council seek one or more of the following amendments: removal of allocation for housing, reduction in density/capacity, and/or removal of capacity figure until road safety and water pressure deficiencies are assessed/addressed; masterplan preparation with full community consultation; provision of bypass/do not preclude a bypass of the High St; upgrading of Courthill Road; high quality/locally distinctive layout and architecture; an independent hydrological survey/transport assessment; an alternative allocation of a single strip of housing along Courthill road to village boundary and also south of Greenside Avenue [01085/FR1, Site Plan]; infrastructure improvements prior to development; restriction to maximum 1 ½ storey development.

For one or more of the following reasons:

- a petition to the MIR raised over 100 objectors to this development;
- with local opinion against this proposal community interests should be given preference over commercial interests;
- that this community has experienced fast growth is not justification to continue this way;
- the scale of development is out of keeping and impacts on amenity, quality of life, and social balance
- it does not maintain sustainability of the community;
- negative impact on tourism;
- involves loss of prime farmland and impacts on the viability of farm;
- it is unsympathetic, does not follow natural boundaries, and protrudes the village boundary;
- impact on the environment: the SSSI; landscape character and settlement pattern; the Special Landscape Area; habitat to protected species (skylarks and starlings); loss of greenspace; and on the bordering Fairy Glen Designed Landscape;
- impacts on the character/history of Rosemarkie and its conservation area: from the architectural quality of new development and its integration with existing development, and from overdevelopment of this site;
- density/capacity as the site was in the Ross and Cromarty East Local Plan for 30 houses and in this Plan's Main Issues Report for Mixed uses, and the proposed density now roughly 25 houses per hectare and indicative capacity for 50 homes is: out of keeping with the character of this conservation village, the pattern of development would be inappropriate for this edge of settlement/gateway/semi rural/village/setting of the conservation area site; inconsistency with PAN 67; inconsistent with the Council requirement for maximum development of 30% of plot; the principle of 50 homes once established in this Plan would not change to reflect

outcomes of technical assessments;

- the local road network capacity issues are: concern about validity of developer assessments: insufficient employment locally to support new housing/dormitory role for village with increased commuting pressures, and the public transport is not responsive to these commuting needs; displacement of traffic onto the High street from closure of Courthill road; unsuitable access with junction issues on Courthill Road at the Manse Brae end and unsuitable visibility of junction from Courthill Road onto Bridge street (with no opportunity to improve this); inability to provide a two way solution on Courthill Road due to pinch points; need to retain access on Courthill road; capacity of high streets of Fortrose/Rosemarkie/Avoch/Munlochy; traffic impact will cause safety issues; need for Rosemarkie bypass road (identified in Black Isle Plan) to relieve congestion on High street; need for development not to prejudice future bypass; the Council acknowledged A832 between Avoch and Fortrose as “dangerous and of a major concern”; the Council disregarded the reporter’s advice on Ross and Cromarty East Local Plan that the roads authority should examine a suitable traffic management scheme with the local community and developers and should presume against significant additional development until the scheme has been implemented; and the site does not have good pedestrian links to centre of village
- the Waste Water Treatment Works capacity for new development and the water supply/pressure problems;
- water drainage issue and concern about validity of the developer assessment;
- inadequate capacity of local services such as primary and secondary capacity, general Practitioner services, community centre, and local recycling facilities

and questions what housing capacity determines the affordable housing contribution.

Douglas Barker (04084) - Supports this site, considering this the best option for growth as Rosemarkie is constrained by the wooded gorge and steep rising farmland to the north and west

FR2 Ness Gap

Ronan Lloyd (02245), Black Isle Swimming Pool Foundation & Resident (04059), Stuart Edmund (00647), James Grant (00920), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Ian Carus (02037), Roy Sinclair (02203), Gwen Anton (04209), David & Pamela Macintyre (04292), Pamela Macintyre (04293), Donald John Morrison (00926), Craig Fraser (04233), James Grant (04239), Calum Anton (04223), Keneth Fraser (02265), James Grant (04239), June Bevan- Baker (01291), Highlands & Islands Green Party (00491), Rachel McBride (04322), Ann Forbes (01129), Gwyn Phillips (01888), Naomi Lloyd (01331) - Respondents including Fortrose and Rosemarkie Community Council seek one or more of the following amendments: inclusion of allocation for a swimming pool and inclusion of public footpath from Academy St to Greengates as community allocation, reduction of housing capacity to reflect approved masterplan, increased requirement for affordable housing, removal of retail as a suitable use on the masterplan primary school site; greater commitment to primary school/academy expansion/increased land for community facilities/return land to agricultural use or allotments/allocation for affordable housing or day-care facility; restriction to 1 ½ storey maximum development; 4 metre built development setbacks from Ness Road and the Salmon fishers path to the south; accordance with the conditions of the masterplan; and provision of at least one equipped play area opposite Greengates footpath by this phase of development.

The following changes were sought due to one or more of the following reasons:

Remove support for retail: should be resisted due need to concentrate retail on the high street: to protect vitality, character and the conservation area; because there are vacant properties on the high st, road access/traffic implications of retail development here; many people work and shop in Inverness so a local supermarket is not required; incompatible with adjacent housing; impact on Fortrose and adjacent village centres.

School site should be kept: whatever the Sustainable School Estate review concludes; school roll forecasts have not been accurate in the past; the Sustainable School Estates review will not look longer term; planned new housing development will lead to demand for it; it would attract young families to the area helping to rebalance the demographics of the population; if used for a primary school it would improve active travel options to school; a modern building would improve learning and be more economical; high level of community support to retain for primary school; if not for school should be other community benefit; need for community facilities; inadequate school provision; housing proposed will add to need for a primary school.

Allocate land for a swimming pool: the planning permission for a swimming pool was purified; the Black Isle Swimming Pool Foundation has been in existence for many years and the swimming pool proposal has been well received by Sports Scotland, the community, and the Highland Council Planning Department; a swimming pool is required and land needs to be reserved for this purpose; whilst the swimming pool proposal is not currently economically viable it shares this constraint with other development proposals; its location next to the leisure centre is desired for management of facility and for users (ensuring diverse family activities are under one roof) the community has campaigned for this over 60 years.

Reduce the housing capacity as: increases in commuting pressures are against green/sustainability commitments; this increases the housing capacity from the 120 homes identified in the Ross and Cromarty East Local Plan to 156 homes; the reasons why the original masterplan was reduced from 175 to 132 homes still apply; the density proposed is too high when compared to the surrounding area; loss of farmland and habitat is not being adequately compensated by the open space requirements of the Supplementary Guidance; amenity impact on Easter Greengates Core Path; residential and tourism impact; visual impact/loss of character from modern repetitive housing/density proposed; and due to negative impact on amenities, quality of life and social balance.

The following road infrastructure concerns affect ability to accommodate an increased housing capacity: traffic and safety impact; parking issues; it increases commuting rather than reducing need to travel; the effectiveness of Fortrose High street management plan - the physical constraints of the road and pavements on the High St are considered to provide insufficient capacity for appropriate improvements; concern that the Ross and Cromarty East Local Plan envisaged more substantial improvements referring to "The need to reconstruct the dangerous A832 between Fortrose and Avoch is a major concern" prior to significant development; insufficient pedestrian/cyclist provision; the capacity of the wider road network to Inverness; need for full publication of a revised Transport Assessment (including further mitigation) before further development is permitted.

The following infrastructure concerns affects capacity for this increased housing capacity: capacity at Fortrose Academy (with 1st year children bussed to Alness) and capacity at Avoch primary school; capacity at the Community centre; and capacity at NHS primary

care unit.

General concerns: development to date has not been in accordance with the masterplan [004239 FR2, post award changes from masterplan]; impact of 2 storey housing; and queries what housing capacity will determine the affordable housing contribution.

FR3 Cemetery extension

James Grant (00920), Diane Kinnear (04468) - Seeks removal of this allocation for one or more of the following reasons: loss of good agricultural land; cemetery extension could be located on poorer quality land on the hillside; the north and west side of FR1 would make a better cemetery extension; to maintain the view from their property; that this land was allocated for housing in the Black Isle Plan; and there are ground water table issues here.

Douglas Barker (04084) - Requires to be designed/landscaped in a manner that respects the proposed use of the site, with better hedging of the existing facility to improve privacy for people paying respects.

Modifications sought by those submitting representations:

General

Introductory text:

Scottish Water (00396) - Scottish Water suggested amendment: Replace text with “Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be planned and delivered across the lifespan of the plan and beyond at the Assynt Water Treatment Works.”

Settlement Housing Requirements & Phasing

Fortrose and Rosemarkie Community Council (01889) - Fortrose and Rosemarkie Community Council state seek detail of housing population changes that have lead to the housing demand.

Potential for coalescence:

Douglas Barker (04084) - Supports paragraph 4.60.

Iain Sime (04369), Brenda Steele (01299) - Support maintaining a visual and physical break in the built environment to avoid coalescence.

Inadequate infrastructure

Douglas Barker (04084) - Considers that there should be no further expansion of the WWTW at its present location, or if not expansion should be considered away from residential area and directed towards the hillside

Brenda Steele (01299) - Seeks no further allocation of land for development

Fortrose & Rosemarkie Community Council (01889) - Fortrose and Rosemarkie Community Council consider there is a need for the following new facilities to cope with

increased demand: car parking, new primary school, day-care centre, medical services, public toilets and swimming pool, and that Fortrose and Rosemarkie should not have an SDA.

Miscellaneous

Laurence Lockhart (04139) - Seeks provision in Plan for public toilets at Chanonry point car park.

Tom Forbes (01127) - Seeks protection of land on Rosemarkie side of Ness Road.

Brenda Steele (01299) - Seeks mention of the importance of agriculture to the Black Isle and remove designation of Fortrose and Rosemarkie as a Town

Erland Tait (01139) - Seeks protection of high quality farmland at Chanonry point for local food production, and is concerned about flexibility of definition when referring to land that could accommodate over 130 new homes.

New Sites Previously Consulted on

MIR site MU2

Douglas Barker (04084) - Seeks that MU2 from the MIR should be considered as a housing allocation or should not include light industrial use.

MIR site H3

Trustees of the late Mrs E Clouston (04417), Trustees of the late Mrs E Clouston (04423), Black Isle Swimming Pool Foundation and Resident (04059) - Seeks allocation of H3 from the MIR for 8 homes and inclusion of this within the SDA.

H6 from the MIR

Wylie (04413), Black Isle Swimming Pool Foundation & Resident (04059) - Seeks allocation of H6 from the MIR

MU3 from the MIR

The Co-operative Group (04406) - The Co-operative group object to the inclusion of retail as part of the FR2 allocation and seek allocation of land at Rosemarkie Road for mixed use including retail development.

Fraser Hutcheson (00986) - Development interest objects to the FR2 allocation for retail and seeks allocation of land at junction of Ness Road and A832 (and seeks the mapping to be adjusted as per attached mapping)

James Grant (00920) - Seeks continued exclusion of MIR site MU3

Allocation of land between FR3 and the WWTW

Stuart Edmund (00647) - Seeks allocation of land between FR3 and the WWTW

FR1 Greenside Farm

Philip Mudge (04005), Greg Mudge (04009), John Donaldson (04088), Susan Blease (390), Kirk Tudhope (04131), James Grant (00920), Tom Lloyd (00771), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Deborah Guthrie (01085), John Hossack (01409), Ian Carus (02037), David Guthrie (01199), Nick Lake (04283), Iain Sime (04369), June Bevan-Baker (01291), Helen & Michael Duffy (04269), Highlands & Islands Green Party (00491), Diane Kinnear (04468), Gwyn Phillips (01888), Fortrose & Rosemarkie Community Council (01889), Iain Sime (04369), Naomi Lloyd (01331) - Respondents including Fortrose and Rosemarkie Community Council seek one or more of the following amendments: removal of allocation for housing, reduction in density/capacity, and/or removal of capacity figure until road safety and water pressure deficiencies are assessed/addressed; masterplan preparation with full community consultation; provision of bypass/do not preclude a bypass of the High St; upgrading of Courthill Road; high quality/locally distinctive layout and architecture; an independent hydrological survey/transport assessment; an alternative allocation of a single strip of housing along Courthill road to village boundary and also south of Greenside Avenue; infrastructure improvements prior to development; restriction to maximum 1 ½ storey development.

Douglas Barker (04084) - Supports this allocation.

FR2 Ness Gap

Ronan Lloyd (02245), Black Isle Swimming Pool Foundation & Resident (04059), Stuart Edmund (00647), James Grant (00920), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Ian Carus (02037), Roy Sinclair (02203), Gwen Anton (04209), David & Pamela Macintyre (04292), Pamela Macintyre (04293), Donald John Morrison (00926), Craig Fraser (04233), James Grant (04239), Calum Anton (04223), Keneth Fraser (02265), James Grant (04239), June Bevan- Baker (01291), Highlands & Islands Green Party (00491), Rachel McBride (04322), Ann Forbes (01129), Gwyn Phillips (01888), Naomi Lloyd (01331) - Respondents including Fortrose and Rosemarkie Community Council seek one or more of the following amendments: inclusion of allocation for a swimming pool and inclusion of public footpath from Academy St to Greengates as community allocation, reduction of housing capacity to reflect approved masterplan, increased requirement for affordable housing, removal of retail as a suitable use on the masterplan primary school site; greater commitment to primary school/academy expansion/increased land for community facilities/return land to agricultural use or allotments/allocation for affordable housing or day-care facility; restriction to 1 ½ storey maximum development; 4 metre built development setbacks from Ness Road and the Salmon fishers path to the south; accordance with the conditions of the masterplan; and provision of at least one equipped play area opposite Greengates footpath by this phase of development.

FR3 Cemetery extension

James Grant (00920), Diane Kinnear (04468) - Seeks removal of this allocation.

Douglas Barker (04084) - Requires to be designed/landscaped in a manner that respects the proposed use of the site, with better hedging of the existing facility to improve privacy for people paying respects.

Summary of responses (including reasons) by planning authority:GeneralIntroductory text

Scottish Water (00396) - Agree with proposed change as it relates only to sentence structure and providing greater clarity and the Council would support such a change should the Reporters wish to recommend it.

Settlement Housing Requirement and Phasing

Fortrose & Rosemarkie Community Council (01889) - The Highland Housing Needs and Demand Assessment and the Highland Housing Strategy together set the context for the housing land requirement shown in the Inner Moray Firth Local Development Plan and provide detail on the population and household structure changes which are background factors that influence the housing land requirement. These documents need to be referred to alongside the Plan. Accordingly, the Council believes the Plan should be retained without modification.

Potential for coalescence

Douglas Barker (04084), Iain Sime (04369), Ann Forbes (01129) - The protection of land from development between Rosemarkie and Fortrose is supported by the Council as it resists the allocation of the MIR sites (H3, H4, H5, H6, MU2 and MU3). The coalescence of Fortrose and Rosemarkie is an important planning consideration as a clear visual and physical break in the built environment is desirable to retain their distinct identities. The area forms a strategic gap protecting the setting of both settlements and their separate identities. The emerging draft Scottish Planning Policy (SPP) identifies a focus on positive place making with one of the six qualities being "Distinctive: places that complement local landscapes..." [THC FR General/2, Page 17, Draft SPP] Accordingly, the Council believes the Plan content for Fortrose should be retained without modification.

Inadequate infrastructure

Black Isle Swimming Pool Foundation & Resident (04059), Brenda Steele (01299), Fortrose & Rosemarkie Community Council (01889) - Partially funded by the Council securing financial contributions from the Ness Gap development the following recent road improvements have been completed within Fortrose: the introduction of 20mph speed limit on High St, speed cushions on Dens Road, a Parking and Waiting Order to formalise and improve access to local shops; and the introduction of no waiting at any time near junctions and along the southeast side of the High Street to improve road safety. Avoch and Munloch have also benefitted from similar schemes involving traffic orders to introduce new speed limits, traffic calming, anti skid surfacing, and kerbing, all to improve road safety. The Ross and Cromarty East Local Plan does mention restructuring of the A832 and this has not yet been carried out. However this is a health and safety issue (which is being monitored) rather than a capacity issue and therefore there is no dependence on this work to happen before allowing further development.

Where a forthcoming planning application requires a Transport Assessment (TA) such as for FR1, or for an increase in housing capacity of FR2 (if beyond the scope of the previous

TA), the requirement for further improvements to current infrastructure will again be assessed and secured as necessary. Whilst technical assessments are commissioned by the developer they are always scrutinised by independent technical experts which in this case would be the Council. This ensures that any deficiencies in the assessment are addressed.

It is recognised that the level of potential for future development in Fortrose and Rosemarkie and many other settlements on the Black Isle is constrained by landscape, settlement character impacts, and impact on the local road network. For this reason there is support for a new settlement type proposal at Tore to accommodate a significant proportion of the longer term 2021 onwards housing needs. However on the Black Isle the short to medium term focus should be on making the most of existing infrastructure, and on consolidation and support of Black Isle communities. This is before supporting major expansion opportunities at Tore which require significant public investment, and before the planned park and ride is in place in Tore providing enhanced public transport links.

With regard to healthcare provision we are liaising with healthcare providers so they can plan for future healthcare provision. This is ongoing as the NHS operation manager and the General Practices have been consulted on the Proposed Plan.

The school roll forecast for Avoch Primary (which takes account of projected future development) indicates that the school is running at 81% of its capacity and that this will remain stable over the next 15 years. That being said there are other reasons why the Council's Education service may look to provide a new primary school within Fortrose and all relevant factors will be considered in due course through the Council's Sustainable Schools Estates Review. This suggests that it is appropriate to allocate this site within FR2 for community/commercial development and stipulate that no development should happen before the Sustainable Schools Estates Review has concluded and has established whether the site is required for primary school provision.

The school roll forecast for Fortrose Academy (which takes account of projected future development) indicates that the school is running at 84% of its capacity and that this will decline to 69% over the next 15 years [THC FR General/3 School roll forecast]. The reason why children have been bussed to alternative schools this school year is because of a staffing shortage caused by children registering as catchment entitled mid term. However the Council's Education service have resolved the issue for this year coming.

There is capacity in the Waste Water Treatment Works for the supported allocations at Ness Gap in Fortrose and for Greenside Rosemarkie, subject to investments in upgrades to the water mains and/or sewer extension/upgrade for phases of development 2017 and onwards. The Plan also identifies that early engagement is required between developers and Scottish Water to ensure sufficient capacity can be delivered in the Assynt Water Treatment Works. At Fortrose the link water main between Black Isle Trunk and the service reservoir has very limited capacity, and assessment will be required to establish extent of water network and storage upgrades. In Rosemarkie new development is likely to have water pressure issues, and a possible solution is installation of a new link main to service. Therefore developers here will need early engagement with Scottish Water to establish an appropriate solution. The location of any required extension to the WWTW would be established through a planning application process which will take account of any issues such as residential amenity or landscape concerns.

The capacity issues in infrastructure mentioned above are acknowledged by the Plan and will continue to be addressed through the planning application process. However longer term the Council acknowledge the need to plan for a new settlement type proposal to meet the housing needs and demands and support major expansion proposals at Tore. Therefore the Council believes the Plan content for Fortrose and Rosemarkie should be retained without modification.

Settlement Housing Requirements & Phasing

The scale of development supported in Fortrose and Rosemarkie is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land which could accommodate over 130 new homes being identified for the period 2011-31. Accordingly, the Council believes the Plan content for Fortrose should be retained without modification.

Comments are made about allowing for integration with the existing communities and the phasing of development. It should be noted that phasing of development was secured through the Ross and Cromarty East Local Plan and then through the masterplan for Ness Gap with phasing of areas B through G. Each phase of this masterplan will be subject to a separate application for the approval of matters specified in conditions and no work shall commence within each phase area until such an application has been approved by the Planning Authority. This will help secure appropriate phasing of the development.

Miscellaneous

Laurence Lockhart (04139), Tom Forbes (01127), Brenda Steele (01299), Erland Tait (01139), Ann Forbes (01129), Inverness Rowing Club (02203) - Any forthcoming proposal for public toilets at Chanonry point can be considered against the Development Plan and the general policies of the Highland-wide Local Development Plan (HwLDP). Whilst there is support for a proposal of this nature subject to good siting and design of the facility, this Plan does not need to make a specific provision for this.

The vision for the Ross-shire Growth Area acknowledges that a thriving agricultural economy is important, and the settlement strategy decisions have been made whilst considering the impact on prime agricultural land, and this approach sufficiently acknowledges and addresses the importance of agriculture to the area.

The flexibility of the definition “of land which could accommodate over 130 new homes” reflects the fact that the capacities of Development Plan allocations are indicative and subject to consideration when working up of detailed proposals as planning applications. The Plan can be no more specific as the detailed consideration of the layout and design (and any constraints), together with the market demand, will influence the capacity of the site when a detailed planning application is submitted.

Regarding the identification of Fortrose and Rosemarkie as a Town this is in relation to Fortrose’s fit within the settlement hierarchy for the Plan area and recognises its principal role in the settlement hierarchy on the Black Isle.

A SDA is necessary for Fortrose and Rosemarkie as they represent sustainable locations for development (with a good range of services, and facilities and with public transport connections). This means that infill development should be supported within the SDA subject to proposals meeting normal planning considerations which are covered by the

general policies of the HwLDP such as fit with settlement pattern, and ability to service site, fit with surrounding land uses, impact on the environment, and the design of development. This means only suitable development proposals would be approved.

With regard to impact on Fortrose and Rosemarkie Conservation Areas the Council has committed in its Action Programme to produce Supplementary Guidance for both Fortrose and Rosemarkie Conservation Areas which identifies the appropriate scale, massing and location for new development as well as appropriate types of materials to be used for such development and in the alteration, extension and refurbishment of traditional buildings and shop fronts throughout the conservation areas. With regard to development outwith the conservation areas high design standards are also sought with the Development Plan content for Fortrose and Rosemarkie stating that “All development must be in keeping with the scale and character of the Conservation Area.”

Therefore in response to these miscellaneous issues the Council believes the Plan content for Fortrose and Rosemarkie should be retained without modification.

New Sites Previously Consulted on

MIR site MU2

Douglas Barker (04084) - The Council continues to resist this allocation, principally for reasons given above regarding potential for coalescence as this site would effectively span the majority of the green wedge between them. Even if odour nuisance could be considered to be acceptable it is nevertheless considered inappropriate for landscape, settlement character and identity reasons. Accordingly, the Council believes the Plan should continue to exclude this site.

MIR site H3

Trustees of the late Mrs E Clouston (04417), Trustees of the late Mrs E Clouston (04423), Black Isle Swimming Pool Foundation and Resident (04059) - The Council continues to resist this allocation, partially for reasons given above regarding potential for coalescence. Access from the main road (East Watergate) rather than the cul de sac is preferred as it involves less soil movement and provides a better point of access from a visibility perspective although there would need to be a requirement for some kind of gateway feature to help reduce the speed of vehicles from this approach. It is also considered that the 8 houses proposed is a more suitable capacity as this could help mitigate the visual impact.

However there would still remain a significant landscape and visual sensitivity to this sites development. Its development would reduce the gap between Rosemarkie and Fortrose and it lies in a prominent position on the hillside which means that even with mitigation measures this site would have a negative impact on the character of the village. It is relevant to refer to the East Ross Settlement Landscape Capacity Study 2001[THC FR General/4, Map from and Page 20 of East Ross Settlement Landscape Capacity Study]. This area is identified as an undeveloped site included within existing Adopted Local Plan. It is also identified within the wider Open Farmed Slopes character type and in the Landscape Capacity Table the following applies to this character area “Elevated position gives open outward views and corresponding high visibility from adjoining areas” and under a heading titled “Areas where development should be discouraged” it suggests “visually prominent upper slopes, particularly those between Rosemarkie and Fortrose.”

Whilst the mitigation identified in the Ross and Cromarty East Local Plan would help lessen to some extent the visual and landscape impact it is considered that the residual impacts would still be unacceptable. The factors which weigh in favour of supporting this site are that it offers some additional choice and flexibility in the housing land supply, and is not prime agricultural land. However the negatives are considered to be more significant and relate to the landscape and visual impacts, and access difficulties (with the delivery of the roads improvements requiring land in third party control). Overall these issues with its effectiveness and its suitability are considered to outweigh the benefits of allocating this site and the Council believes the Plan should continue to exclude this site.

MIR site H6

Black Isle Swimming Pool Foundation and Resident (04059), Wylie (04413) - The Council continues to resist this allocation, partially for reasons given above regarding potential for coalescence. The developer interest suggests that a smaller site here (i.e. the one allocated in the Ross and Cromarty East Local Plan) rather than the one shown in the IMFLDP MIR would have an acceptable visual impact and that this should be identified but without the requirement for this to be courtyard development. However the site is located further up the hill from H3 and additional road improvements would be necessary to enable development.

Please also refer to the East Ross Settlement Landscape Capacity Study 2001 extract mentioned above against MIR site H3 as it is also relevant to this site [THC FR General/4, Map from and Page 20 of East Ross Settlement Landscape Capacity Study]. This site is even more sensitive than H3 in terms of its impact on the landscape, introducing a cluster of development in an upper hillside location where the landscape can only successfully accommodate isolated dispersed development. More substantial clusters of housing would appear inappropriate and appear as an unsympathetic extension to Fortrose. It is considered that the current isolated dispersed housing pattern here reflects the upland farming landscape and helps maintain the character and identity. The site is also outwith an easy walkable distance and has further accessibility issues from the steep slope and lack of footway. For these reasons it is considered that this site is inappropriate for housing development and the Council believes the Plan should continue to exclude this site.

MU3 from the MIR

James Grant (00920), Fraser Hutcheson (00986), The Co-operative Group (04406) - The Council continues to resist this allocation, partially for reasons given above regarding potential for coalescence. The area concerned forms a part of a strategic gap which protects the setting of both settlements and their separate identities. Contrary to the development interest submissions this sites development would lessen the perception of the gap. There is only planting (sheltering the cemetery) on the opposite side of Rosemarkie road and this does not impinge on the sense of the gap. The distance of the gap retained is not as relevant as the perception of the gap and the development of this site (a prominent and gateway site) would significantly lessen this being adjacent to the main road connecting Fortrose and Rosemarkie. Also there is no supporting landscaping/planting framework in place to alleviate the landscape and visual impact that this sites development would have on the distinct identities of Fortrose and Rosemarkie. Given its prominent gateway location and landscape and visual impacts, retail sheds with limited vertical/horizontal articulation are not considered appropriate here. Whilst requirements for high quality architecture and a landscaping and planting framework could

help reduce the impacts and better integrate the development the residual impact would still remain unacceptable.

The possibilities for land excambion (land exchange) with King George V playing field are preferable to development of MU3, and opportunities to relocate the playing field could look beyond just considering MU3. However ultimately if it comes to it some loss of and/or revised compensatory provision of open space may be considered preferable to the visual, landscape and character impacts of MU3. Particularly so if playing fields provision at Fortrose Academy are considered sufficient Sports Area open space, and if other deficiencies in the open space provision can be addressed. In this regard the Highland Greenspace Audit 2010 identified deficiencies in provision for children and teenagers and elements of other functional greenspace such as allotments. It also identifies that Fortrose has 3.92 hectares of Sports Areas which amounts to 33.5 m2 of Sports Areas per person which is well beyond the provision standards for Sports Areas that the Council seeks of 12 m2 per person [THC FR General/5, Page 9, Open Space Supplementary Guidance].

Furthermore there could be opportunity for retail uses within the FR2 Ness Gap site (please see response to FR2 for more detail on this). It is acknowledged that the potential site within FR2 is not as good as MU3 from an active travel and commercially preference perspective. However it is considered to be an edge of centre location like MU3. Furthermore the impacts associated to the development of MU3 outweigh the less optimum commercial location and active travel distances associated to the potential site within FR2.

Therefore in light of the above the Council believes the Plan should continue to exclude the MU3 site.

Allocation of land between FR3 and the WWTW (1422)

This area would significantly impact on the strategic gap which protects the setting of both settlements and their separate identities and therefore the Council believes the Plan should continue to exclude this site.

FR1 Greenside Farm

Philip Mudge (04005), Greg Mudge (04009), John Donaldson (04088), Susan Blease (390), Kirk Tudhope (04131), James Grant (00920), Tom Lloyd (00771), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Deborah Guthrie (01085), John Hossack (01409), Ian Carus (02037), David Guthrie (01199), Nick Lake (04283), Iain Sime (04369), June Bevan- Baker (01291), Helen & Michael Duffy (04269), Highlands & Islands Green Party (00491), Diane Kinnear (04468), Gwyn Phillips (01888), Fortrose & Rosemarkie Community Council (01889), Iain Sime (04369), Naomi Lloyd (01331), Douglas Barker (04084) - Issues relating to perceived infrastructure deficiencies, and the scale of development, and impact on the conservation area are responded to in the general section.

However specific to this site the developer is required to provide revised access arrangements at its southern approach whilst investigation of other solutions (such as traffic calming, pedestrian priority or road closure with access only) will be considered with the detail of the planning application, its accompanying masterplan/development brief, and the Transport Assessment.

With regard to the capacity of this site, the 25 homes per hectare approach taken by the Council respects: historic settlement patterns in Rosemarkie; the inclusion of some flatted development; and the efficient use of land. However the Development Plan gives an indicative capacity and the actual capacity will be established when preparing the detailed layout and design and the relevant technical assessments that will form part of the planning application. However reducing or leaving the site with no indicative capacity is therefore resisted. With regard to the question about affordable housing requirement this will be taken as a percentage of the capacity of the site when it comes forward as a detailed planning application.

On the principle of whether this is an appropriate allocation for development the Plan needs to provide a flexible and effective housing land supply and this site is considered to be one of the most suitable and effective sites for development in Rosemarkie and Fortrose. The Council has a duty to consider the merits of the sites being considered and take the communities view into account. It does this by considering the planning merits of any objections and whether these raise any issues that require mitigation of impacts or whether any of the issues raised merit the exclusion of a site from the Plan. In this case: there are no designations onsite; the site will not have a significant impact on the natural, built or cultural heritage; and technical constraints can be mitigated. Therefore whilst this site does involve some loss of some prime agricultural land, it lies close to the village centre, and is considered the most appropriate option for growth. It therefore forms a key part of the settlement strategy and accords with Scottish Planning Policy with regard to loss of prime agricultural land.

The issues raised through objections to this site are of a nature that will be addressed through the detail of the masterplan/development brief and planning application. Potential impacts for example: on the environment, built heritage, and on surface water drainage are already appropriately addressed in the Development Plan by the general policies of the HwLDP, and by the site requirements of this Plan. The site requirement for preparation of masterplan/development brief ensures that emerging proposals consider the ways in which new development will be influenced by its wider context and respond to the immediate landscape and its setting, to trees, and focal features/buildings, and to key views (as this will contribute towards local distinctiveness). The masterplan/development brief will also consider functionality of the development and the need to be safe, pleasant, easy to move around, welcoming, adaptable and resource efficient.

Therefore the Council considers that the context set by the Development Plan will ensure that this site comes forward with a masterplan/development brief that appropriately considers and responds to its wider context and to the technical and physical constraints. Accordingly the Council considers that this allocation should be retained without modification.

FR2 Ness Gap

Ronan Lloyd (02245), Black Isle Swimming Pool Foundation & Resident (04059), Stuart Edmund (00647), James Grant (00920), Scorrielea Self Catering (01042), Gordon Grant (00981), Paula Sime (03807), Ian Carus (02037), Roy Sinclair (02203), Gwen Anton (04209), David & Pamela Macintyre (04292), Pamela Macintyre (04293), Donald John Morrison (00926), Craig Fraser (04233), James Grant (04239), Calum Anton (04223), Keneth Fraser (02265), James Grant (04239), June Bevan- Baker (01291), Highlands & Islands Green Party (00491), Rachel McBride (04322), Ann Forbes (01129), Gwyn Phillips (01888), Naomi Lloyd (01331) - Issues relating to perceived infrastructure deficiencies, the

scale and phasing of development and potential impact on the conservation area are responded to in the general section.

Some of the Ness Gap has already been developed, the whole site has been granted outline planning permission (including the masterplan for its overall development), and detailed planning permissions have been secured for many of the phases. This site should therefore remain in the Local Development Plan to support its completion.

However it is important to identify opportunity for commercial development and acknowledge that the proposed primary school site could become surplus to requirement within the lifespan of this Plan. There is no firm proposal for a community development (such as a day care centre) so whilst this may be an aspiration and can be identified as an acceptable use for the site (community use) it is considered inappropriate to safeguard land for this purpose. Therefore the Plan reflects the masterplan for Ness Gap but with a change to uses if the primary school site becomes surplus to requirements.

As part of the wider site masterplan, the North west portion of Ness Gap was given outline planning permission for a primary school site in accordance with Ross and Cromarty East Local Development Plan. Please refer to response on infrastructure deficiencies for detail of the school roll projections and the Council's Sustainable Schools Estates Review. This context suggests that it is appropriate to allocate the site for community/commercial development and stipulate that no development should happen before the Sustainable Schools Estates Review has concluded and has established whether the site is required for primary school provision. Whilst there are some vacancies for retail within the town centre this may not meet the type of demand for retail that occurs (including the Co-operatives plans for a new store) and therefore identifying potential for retail within FR2 subject to its requirements which include sequential Retail Impact Assessment and Transport Assessment is appropriate. Furthermore it would offer a good location for business/office development in Fortrose which the Plan does not otherwise offer specific opportunity for.

With regard to the proposal for a swimming pool the planning permission 09/00202/FULRC is expected to be purified shortly. The scale of this proposal would not normally merit the allocation of land within the Plan. Also whether the Plan shows this site within this allocation or as a separate allocation reflects whether it is suitable to safeguard the land for this purpose or whether flexibility should be ensured by retaining the site within the SDA. Leaving it within the SDA supports its development for leisure centre facilities should funding be secured. However the scale of the proposal, the current funding situation, and the absence of this project from the Council's Capital Programme 2013-2023 [THC FR2, Council's capital programme] suggests it does not merit allocation in the Plan.

With regard to capacity of FR2 if you remove the 1.6 hectares of the potential primary school site, there is 5.9 hectares of land to accommodate 80 homes, and if you then remove the areas identified for amenity/open space in the masterplan there is still over 4 hectares of proposed residential land. The Council have already given detailed permissions in Ness Gap (for 77 homes) outwith FR2, and have planning applications submitted (for a further 55 homes) on part of FR2. Together these amount to the 132 homes given outline planning permission as part of the masterplan and yet there is still roughly 1.4 hectares of additional land that is identified for residential development in the masterplan. If as probable planning permissions are granted for the 55 homes this leaves potential for a further 25 homes on the roughly 1.4 hectares remaining and this works out

a density of under 18 homes per hectare.

The less than 20 homes per hectare density supported by the Council respects: historic settlement patterns in Fortrose; continues to support the masterplan amenity and open space areas; and allows for the efficient use of land. However the Development Plan provides an indicative capacity and the actual capacity will be established when preparing the detailed layout and design and the relevant technical assessments to accompany any future planning application/s.

Further detailed issues raised such as protection of footways, and the massing of development are of a nature that should be addressed through the detail of any planning application that comes forward with reference to the approved masterplan.

Therefore in light of the above the Council considers that FR2 should remain allocated in the Plan without modification.

FR3 Cemetery extension

Douglas Barker (04084), Diane Kinnear (04468), James Grant (00920) - This area forms a part of a strategic gap which protects the setting of both settlements and their separate identities and therefore its identification for housing is resisted. It is considered that allocation for a cemetery extension is suitable as it retains this as greenspace and helps preserve the gap between the settlements. It should be noted that the right to a private view is not protected by the planning system however due consideration will be given at the planning application stage to any impact on residential amenity. Amenity concerns and the other issues raised can be addressed at the planning application stage and are reflected in the HwLDP general policy 28 Sustainable Design [CD3, Policy 28, Page 77-78] and this Plan's allocation requirements [CD6, FR3, Page 82] for: assessment of risk to ground water; substantial screen planting and landscaping to a depth of at least 10 metres along the boundaries.

Reporter's conclusions:

General

1. Scottish Water seeks to clarify the need for on-going consultation with developers on the capacity of the Assynt Water Treatment works. The council agree to this modification and I see no reason to disagree.
2. Fortrose & Rosemarkie Community Council seeks clarification of the population changes which have led to growth proposals, expresses opposition to housing growth on prime land, questions the need for a development area boundary (SDA) around the settlements and argues for a range of infrastructure improvements including safeguarding land for a new swimming pool. There are a range of other non-site specific representations which taken together with those of the Community Council are considered below.
3. The housing land supply requirement is rooted in the demand predications adopted in the Highland-wide Local Development Plan, the source material for which has been identified by the council. As noted earlier in this examination report these demand assumptions are considered to remain relevant for this plan. The overall strategy for

meeting that demand in the Black Isle/ Mid Ross-shire housing market area is to promote a substantial new expansion at Tore where additional housing, industry and commercial development can maximise the availability of existing and newly proposed infrastructure. In the meantime the aim is to maximise the capacity of the existing infrastructure in established settlements to meet short term demand on sustainable sites. The Inner Moray Firth Local Development Plan seeks to accommodate that demand in the most locally sympathetic manner.

4. The SDA boundary simply identifies the settlement as suitable for development and delineates the area within which new development will be acceptable. I agree with the council that this provides both opportunities for judicious infill development which complies with the development policy requirements of the HWLDP as well as providing protection from development to the surrounding countryside and maintaining the identities of Rosmarkie and Fortrose as separate settlements. There is no convincing evidence that growth within the SDA would have an undue influence of the quality or preservation of buildings within the conservation area or the vitality of the town centre.

5. With regard to perceived infrastructure limitations I note the council's references to road and traffic management improvements some of which are development funded. The schools at both primary and secondary level are planned to accommodate the growth, healthcare is expected to meet the needs of a growing population and the Assynt water treatment works has sufficient capacity. I note that space is not safeguarded for smaller land requirements such as a swimming pool or improved public toilets but I consider these to be operational matters which could be accommodated within the SDA boundary should funds become available.

6. There are a number of representations seeking reinstatement of potential development sites which featured in earlier stages of the plan's preparation. Sites MIR MU2, MIR H3, MIR H6, MIR MU3 and additional land between FR12 and the waste water treatment works are all put forward for development and examined in some detail by the council. The council has allocated land for 130 new homes in the Rosmarkie and Fortrose area considering this to both meet the need for short to medium term expansion of the village but also to make best use of those sites which are sustainable in the future. The additional sites proposed would either result in coalescence between the two villages or would be on the higher ground on the raised beach feature. The resulting prominence of development on these upper slopes is discouraged in the East Ross Settlements Landscape Capacity Study. The representations on these sites do not contain convincing evidence to outweigh the council's assessment above, that those sites not included would be better at fulfilling the council's spatial strategy for the town than FR1 and FR2.

7. I therefore conclude that, other than an amendment to the plan text requested by Scottish Water, no modifications are required to the introductory text on Fortrose and Rosemarkie.

FR1 Greenside Farm

8. The plan outlines the topographical restraint to further development in Rosemarkie. In that context Greenside Farm (FR1) represents probably the best and most flexible option for meeting housing demand. The site is allocated for 50 houses. I note that this is a significant increase on the allocation in the Ross & Cromarty East Local Plan, but at 25 houses/hectare is not excessively high. The intended density appears to be higher than

that of the immediate surrounding houses but not out of character with the rest of the village, particularly the historic conservation area.

9. The site would occupy prime agricultural land but within such a topographically confined village meeting the housing demand requirement is very likely to utilise such land. The defined developed area of the village is otherwise very tightly drawn around the existing built up area. Whilst it is undoubtedly an extension to the existing development area there is no convincing evidence of any adverse effect on any designated landscapes or habitats. Similarly there is no convincing evidence that development of the site would have a negative effect on tourism and the issue of the availability of local employment was a consideration in reaching the housing land supply requirements of the HWLDP.

10. Other representations allude to a wide range of concerns which relate to traffic generation, water treatment works capacity, social balance and others. These are all details which could be accommodated in the developer masterplan/development brief which is specified in the plan's site requirements. They are also largely details which would be considered at the detailed planning stage of development. I therefore conclude that there should be no modification to the plan with respect to site allocation FR1.

FR2 Ness Gap

11. Ness Gap is the prime site for meeting demand for housing and other activities in Fortrose and a master-planning process has been undertaken. The plan specifies development in accordance with an extant planning permission Ref: 09/00471/OUTRC. It is partly being developed and detailed permissions exist for other parts of the site. Clearly the site is intended to accommodate a range of activities in this fairly central gap in the built fabric to the settlement. Notable amongst these is provision of land for a new primary school though I note the element of doubt over that pending completion of the Sustainable Schools Estates Review.

12. Large parts of the wider Ness Gap area have already been allocated for new housing development. FR2 can accommodate the projected 80 houses at a modest density of around 18 houses/hectare which I do not consider out of keeping with the character of the area. Other expressed concerns about the development of the site are matters which would be considered at the detailed planning stage where all planning applications would be expected to adhere to the terms of the masterplan and outline planning permission. I note that separate proposals for a Co-op store whilst meeting the retail description in the range of permitted uses would still have to be subject to a sequential retail impact assessment to avoid an adverse impact on the town centre. I have commented earlier on the safeguarding of land for a swimming pool which would normally not be on such a significant scale as to be included in the local development plan allocation. In this case I also note that there is no provision for this in the council's capital programme 2013 – 2023.

13. In the light of the above I conclude that the plan does not require modification with respect to site FR2.

FR3 Cemetery extension

14. Whilst it occupies a part of the undeveloped land between Fortrose and Rosemarkie otherwise kept free of development to prevent coalescence of the settlements, the cemetery would maintain the gap as it is in itself a green space. Other matters relating to

residential amenity and landscaping would be subject to examination at the planning application stage. In consequence I see no need for a plan modification.

Reporter's recommendations:

It is recommended that sentence two of paragraph 4.62 be replaced with "Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be planned and delivered across the lifespan of the plan and beyond at the Assynt Water Treatment Works."

Issue 24	Invergordon	
Development plan reference:	(Para 4.63, Page 82)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Invergordon Community Council (00293) Carl Beck (00391) Scottish Environment Protection Agency (00523) Arnold Francis Bova (00974) Roman Catholic Church (03936) Ernst Robberts (03997) Iain Maclean (04052) James Mackay (04058) Margaret Walker (04095)	John M MacIntosh (04098) Christine MacIntosh (04123) John Munro (04144) Cromarty Firth Port Authority (04218) Woodland Trust (04364) The Highlands Small Communities Housing Trust (04381) John MacIntosh (04438) MacKenzie Family (04439) Combined Power & Heat (Highlands) Ltd (04554)	
Provision of the development plan to which the issue relates:	Invergordon	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Roman Catholic Church (03936) - Wishes greater attention to be given to parking issues in Invergordon, in particular High Street and Station Road areas, because there has been a depletion of parking and additional development will result in more traffic in the town.</p> <p>Carl Beck (00391) - Wishes bullet 2 in section 4.63 of the Proposed Plan to be amended to exclude industry and to read 'promote freight, cruises liners and tourism' because: energy sector future requirements can be accommodated at Nigg, Deephaven and Ardersier where there is ample room for growth; current industrial operations conflict with improving the visitor experience and disturbs local residents; and to allow uninterrupted views over the costal side of the town.</p> <p>Social Housing Providers in Highland (04381) - Wishes additional sites within Invergordon to be identified and allocated because many of the existing allocations are unlikely to be taken forward within the early years of the Plan resulting in a lack of opportunities in general but particularly affordable housing.</p> <p><i>New Sites Not Previously Consulted On</i></p> <p>Ernst Robberts (03997) - Wishes allocation for housing at Clyde Street as per planning permission 13/00580/FUL because: would improve amenity of the area and help make purchase of property at 5 Clyde Street a good investment. Questions why permitted housing development has not begun when it was due to start in September 2013.</p>		

Opposes use for car park as rumoured in the town because: waste of public money spent on preparing and submitting planning application; lack of local consultation; road safety issues due to severance between car park and Cromarty Firth Port Authority by busy road and when previously used as car park nearby residents suffered amenity issues due to anti-social behaviour and litter.

IG2 Invergordon Mains West

John Munro (04144) - Wishes that Council purchase private residence 'Roebank' because it will be surrounded by development and therefore would be more logical to incorporate within the site and planned sale of house by elderly resident will be hindered due to proposals.

IG4 House of Rosskeen

Mackenzie Family (04439) - Supports allocation as presented.

Woodland Trust (04364) - Objects because: housing development within open ground will cause undue disturbance to surrounding ancient woodland on remainder of site; ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource that should be protected; woodlands and trees offer multiple benefits to the environment and for recreation; cumulative impact of woodland removal, and fragmentation of habitat; Scottish Government and Highland Council have a policy presumption in favour of protecting woodland and recognise it as being of regional or national importance dependent on category; development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. Seeks clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Further detailed provided in supporting document [04364/IG4/1]

IG5 Former Railway Sidings

Iain Maclean (04052) - Believes that development to create gateway site is illusory because: proximity to Phase 2 development of the Cromarty Firth Port Authority which has poor visual amenity; adult tree plantation or similar would be required to screen dock area; proximity to railway and busy road would result in poor residential amenity. Asserts however it would be possible for some housing on the site, if it was restricted to one storey out of respect to Cromlet residents.

Asserts a more suitable use for the site is for parking because for a significant length of time residents of the lower part of the town and shoppers cannot park due to all parking opportunities being used by Cromarty Firth Port Authority employees.

Cromarty Firth Port Authority (04218) - Objects to requirement for public realm improvements because: no definition is provided; only site with such a requirement and no justification provided.

Wishes laydown to be listed as a use because it is unclear if this would be acceptable as no definition of business and industrial is provided.

Wishes car parking to be included as a use because part of the area could be utilised as parking in the future to alleviate issues elsewhere in Invergordon and to address

requirements stated for IG11.

IG6 Seabank Tank Farm

Arnold Francis Bova (00974) - Opposes allocation of site until the following matters have been addressed: change site name, as readers may not be aware what a tank farm is and the consequences of redeveloping the site; extent of contaminated land as likely to affect feasibility of development; expansion of site to include areas required to connect to existing road and other infrastructure; clarification that the site is in the town centre; consultation with broader community to impacts as a result of connections to the town centre; increased risk of surface water run off affecting nearby properties; allocation currently contrary to Flood Risk Management (Scotland) Act 2009 and the Climate Change (Scotland) Act 2009 which place a duty on local authorities to reduce flood risk and consistency with Scottish Planning Policy because in the absence of watercourses within the site there would be an increased flood risk, therefore meaning minimising areas of impermeable surface and promoting natural flood risk management is not possible, a flood risk assessment could not mitigate this. Wishes recognition that the Scottish Environment Protection Agency (SEPA) are not decision makers, rather the Council are, and this will result in propagating 'planning for appeal' which wastes public funds and introduces unnecessary dubiety and litigation into the planning system.

Carl Beck (00391) - Believes that if a single school for Alness and Invergordon is to be built Seabank Tank Farm (IG6) is the best and most obvious location because: priority regeneration site; remove eyesore; bring redundant land back to use; provide attractive views of the Firth; proximity to existing school; no disruption to existing school during construction; allowing existing playing fields to be retained; good opportunity to combine with cleaning of tank farm; sustainable long term solution in comparison to competing sites.

IG8 Invergordon Mains North

(04364) - Notes that requirements include protection of existing boundary trees on Academy Road that are ancient woodland. Believes ancient woodland must be protected because it is amongst the most precious and biodiverse habitats in the UK and is a finite resource that should be protected; woodlands and trees offer multiple benefits to the environment and for recreation; cumulative impact of woodland removal, and fragmentation of habitat; Scottish Government and Highland Council have a policy presumption in favour of protecting woodland and recognise it as being of regional or national importance dependent on category; development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. Seeks clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development

IG10 Cromarty Firth Industrial Park

Combined Power & Heat (Highlands) Ltd (04554) - Objects to waste management not being included within uses because: failure to identify appropriate locations for waste management facilities (including active and consented sites) is contrary to Annex B of the Zero Waste Plan and draft Scottish Planning Policy; waste management facilities already exist within the site; an application in 2008 for a waste to energy combined heat and power plant was supported by the Council's Head of Planning and Building Standards and permission was granted by Scottish Ministers following two separate planning appeals

(decision notice allowing second appeal supplied [04554/IG10/1]), despite current legal challenges to the second appeal decision the fact remains that planning professionals have considered the proposal is appropriate; failing to allocate a site due to awaiting the outcome of a legal decision is not a valid planning reason and if the site is not allocated for waste management the Council must set out valid planning reasons for this.

IG11 Cromarty Firth Port Authority

James Mackay (04058) - Opposes erection of fence on Shore Road (opposite Oakes Court) because: this is a popular location for parking to view visiting cruise liners in the port and there is nowhere else to park as the whole area is a no parking zone.

Carl Beck (00391) - Opposes further industrial development because: plan for Invergordon is conflicting and lacks vision regarding the Cromarty Firth Port Authority; conflicts with basic principle of planning which is 'better places to live'; proximity to residential areas of Invergordon; detrimental to health and welfare of nearby residents, particularly due to excessive noise through the night, air pollution and damage to property (photograph of industrial activities supplied [00391/IG11/1]) ; conflicts with plan to encourage tourism (particularly cruise liners, yachting); account must be taken of more appropriate for new quayside developments at Nigg, Evanton and Ardersier where plans progressed after the Cromarty Firth Port Authority Plans were formalised, these sites have ample space; using public money for additional land reclamation at Invergordon would not stand planning scrutiny; the Council has granted permitted development rights against their own legal advice; no provision overcome existing lack of infrastructure, particularly parking; planning system will continue to be brought into disrepute by bad neighbour developments being granted as permitted development, the following are existing examples: fish meal shed that blocked attractive views and created odours; giant Fabrication shed that dominates the landscape and removal of a valued public amenity at Linear Park; Proposed Plan expands what is currently in place rather than having a vision for the direction of development in the town; contrary to Inner Moray Firth Sites and Ports Strategy 2050 (2006) which supported clean cargo with Ro Ro/cruise and waterfront regeneration and marina as target sectors for Invergordon and noted that these opportunities would be opened up as result of Nigg reopening; conflicts with Ross-shire vision and strategy; severe road safety issues at Tomich junction when large turbines are being transported; visual impact on outstanding location for natural and cultural heritage; potential impact on habitats of the Cromarty Firth; should face stringent examination of regional alternatives and EC 'public interest' tests conflicts with increasing awareness of safety issues surrounding fuel and other hazardous materials and poorly located industrial site.

Cromarty Firth Port Authority (04218) - Opposes site name 'Cromarty Firth Port Authority' because: no other sites are identified by the name of the landowner and not all land within site boundary included is owned by the Cromarty Firth Port Authority (as shown on maps supplied [04218/IG11/1]). Believes it would be more appropriate to name site 'Invergordon Harbour Area'.

Believes requirements should be named 'requirements/issues for consideration' or Cromarty Firth Port Authority owned land should be excluded from site (as shown on maps supplied) because: Cromarty Firth Port Authority owned land within the site is subject to permitted development rights under the Harbour Act therefore the Council has no mechanism to impose any 'requirements'; Council can only make requests in consultation responses to Marine Scotland if a licence is required; is misleading; many requirements relate to ecology, pollution and flood the lead agency for these issues are

Scottish Natural Heritage and the SEPA, both are statutory consultees to Marine Scotland so inclusion in requirements is duplication.

Opposes reference to Moray Firth Special Area of Conservation in second paragraph of requirements because: the Habitats Regulations Appraisal does not identify significant effects on the Moray Firth Special Area of Conservation if developments are considered in isolation. Argues that in-combination effects are however identified for the Moray Firth Special Area of Conservation, Dornoch Firth and Morrich More Special Area of Conservation and there is therefore an inconsistency in the identification of sites within the Proposed Plan.

Supports requirement for Construction Environmental Management Plan because there is Council guidance that Cromarty Firth Port Authority recognise as best practice. Opposes requirement for Operational Environment Management Plan because: the Council have no mechanism to 'require' this; term is not recognised by the Cromarty Firth Port Authority; operations normally managed from environmental perspective by appropriate Environment Management System. Asserts that if requirement for Operational Environment Management Plan then the Council must provide guidance on the expected content.

Wishes requirement for Noise Mitigation Plan to make clear that this is in-air noise to minimise disturbance to birds because: the mitigation measure is identified in the Habitats Regulation Appraisal, with particular regard to the Special Protection Area and RAMSAR and therefore related only to in-air noise disturbing birds.

Remove requirement for Piling Method Statement (in accordance with JNCC guidance) because: it is specific to a certain construction technique therefore too detailed as a requirement in the Proposed Plan; more appropriate to be considered as part of the assessment of a proposed development; if listed due to potential for piling of phase 3 development then this and others have already been identified and are likely to be incorporated by Marine Scotland in license conditions, therefore no benefit of including it.

Remove requirement for demonstration of no adverse effects on integrity of the Moray Firth Special Protection Area through disturbance effects of increased marine traffic in combination with other proposals. See model in 'Dolphins and Development' because: marine traffic is unlikely to impact the Inner Moray Firth Special Protection Area because it is designated for various bird species; the Moray Firth Special Area of Conservation which the Habitats Regulation Appraisal has identified potential in-combination effects however the most recent studies cover more than traffic in consideration of in-combination effects; hyperlink to 'Dolphins and Development' model no longer works; this work has since been superseded; fast moving area of research; could include in-combination effects in the first point in requirements.

Remove requirement for demonstration of account being taken of the Moray Firth Special Area of Conversation Management Scheme because although it should be encouraged, listing it a requirement is not in the spirit of the 'voluntary' nature of the scheme.

Believes the requirements sentence that requests a flood risk assessment to ensure site will remain operational during flood conditions or if non-port related development is proposed is unclear and needs reworded.

Opposes requirement for Transport Assessment to demonstrate that adequate parking can be provided because parking is not identified as an issue in the Transport Assessment

supporting the Proposed Plan; should focus on active travel and public transport as discussed in section 2 of the Proposed Plan; provision of additional parking does not align with the Councils vision to 'have more efficient forms of travel' and Cromarty Firth Port Authority supports this vision.

Dounreay Site Restoration Limited, Margaret Walker (00391, 04095) - Objects for one or more of the following reasons: excessive noise already created at base 24 hours a day by generators and metal on metal, resulting in severe sleep deprivation.

Believes that requirements are misleading, in particular 'to ensure no adverse effects on the Cromarty Firth Special Protection Area/RAMSAR' because they cannot be enforced by the Council when the Council continually grants permitted development rights to the Cromarty Firth Port Authority and planning permission is not required.

Asserts that examples of the Cromarty Firth Port Authority using permitted development rights to their advantage are in developing an 'Assembly Hall' and developing the Linear Park then subsequently changing their plans for Phase 3 development.

IG12 Delny

Scottish Environment Protection Agency (00523) - SEPA objects unless a Flood Risk Assessment is carried out prior to inclusion in the Proposed Plan which demonstrates that the proposals would comply with Scottish Planning Policy. Wishes additional requirement to restore watercourse.

John M MacIntosh, Christine MacIntosh, Invergordon Community Council, John MacIntosh (04098, 04123, 00293, 04438) - Object for one or more of the following reasons: no requirement in national policy - national level requirement to safeguard when government sought to attract significant inward investment and heavily public subsidised investment is no longer present; large scale industry in the form of smelters, pulp and paper mills and manufacturing plants are all now gone; other industrial sites in Invergordon underused and therefore provide an adequate supply of industrial land; area already has excess industrial development; site is not effective - been allocated for industry since 1970s when a petro chemical plant was planned; proximity to notorious Tomich junction which is already at capacity due to use by heavy traffic – further development will increase pressure on this junction resulting in more severe road safety issues; increase in number of heavy good vehicles and general traffic; proximity to housing would have a negative impact on residential amenity in terms of noise, dust, lights, odour (prevailing wind is over residential properties at Broomhill), vibration particularly at Broomhill Farm; loss of good agricultural land; SEPA raised concerns as land is prone to flooding, often large amounts of standing water particularly in the winter; proximity to Inner Moray Firth Special Area of Conservation; negative landscape and visual impact (inconsistent approach when a single house would not be permitted in sight line of A9); concerned issues experienced when smelter was operational would be experienced, in particular impacts on residential amenity; potential land contamination issues associated with former smelter; loss of trees and vegetation due to pollutants; severe impact on health of livestock and negative impact on crops.

Wishes requirement for 150 metre landscape buffer from A9 trunk road to be reinstated as per requirement in Ross and Cromarty East Local Plan to provide some buffering to Broomhill.

Modifications sought by those submitting representations:

General

Roman Catholic Church (03936) - Greater attention to be given to parking issues in Invergordon (assumed).

Carl Beck (00391) - Bullet 2 in section 4.63 to promote freight, cruises liners and tourism, not industry.

Social Housing Providers in Highland (04381) - Allocation of additional sites within Invergordon.

New Sites Not Previously Consulted On

Ernst Robberts (03997) - Allocation of site at Clyde Street (planning reference 13/00580/FUL) for housing (assumed).

IG2 Invergordon Mains West

John Munro (04144) - Expand site to include 'Roebank' private residence (assumed).

IG4 House of Rosskeen

Woodland Trust (04364) - Removal of site; clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.

IG5 Former Railway Sidings

Iain Maclean (04052) - Require housing to be restricted to one storey; include parking within uses (assumed).

Cromarty Firth Port Authority (04218) - Remove requirement for public realm improvements. Include car parking and laydown as uses.

IG6 Seabank Tank Farm

Arnold Francis Bova (00974) - Removal of site unless it is renamed; contamination, flood risk and infrastructure matters are addressed and further public consultation is undertaken.

Carl Beck (00391) - Identification of IG6 for a single school for Alness and Invergordon (assumed).

IG10 Cromarty Firth Industrial Park

Combined Power & Heat (Highlands) Ltd (04554) - Inclusion of waste management in uses.

IG11 Cromarty Firth Port Authority

James Mackay (04058) - Requirement for opportunity for parking area to view visiting cruise liners where views are not blocked by a fence (assumed).

Carl Beck (00391) - Allocation for business/tourism; focus port related industrial activities at Nigg and Evanton (assumed).

Cromarty Firth Port Authority (04218) - Rename site 'Invergordon Harbour Area'

Rename requirements 'requirements/issues for consideration' or exclude Cromarty Firth Port Authority owned land from site.

Remove reference to Moray Firth Special Area of Conservation in second paragraph of requirements or include Dornoch Firth and Morrich More Special Area of Conservation but make clear this is limited to in-combination effects.

Remove requirement for Operational Environmental Management Plan, could replace with appropriate Environmental Management System for Operations otherwise provide guidance on content of an Operational Environmental Management Plan.

Requirement for Noise Mitigation Plan should be clear that this is in-air noise with the purpose of minimising disturbance to birds.

Remove requirement for Pilling method Statement (in accordance with JNCC guidance).

Requirement: Remove requirement for demonstration of no adverse effects on integrity of the Moray Firth Special Protection Area through disturbance effects of increased marine traffic in combination with other proposals. See model in 'Dolphins and Development'. Potential to include in-combination effects in the first point of requirements.

Remove requirement for demonstration of account being taken of the Moray Firth Special Area of Conversation Management Scheme.

Reword requirement that states 'Flood Risk Assessment to ensure site will remain operational during flood conditions or if non-port related development is proposed'.

Specific reference to adequate parking should be removed.

Carl Beck (00391) - Recognition that much development at the Cromarty Firth Port Authority does not require planning permission (assumed).

Margaret Walker (04095) - Removal of site; recognition that much development at the Cromarty Firth Port Authority does not require planning permission (assumed).

IG12 Delny

Scottish Environment Protection Agency (00523) - Removal of site unless Flood Risk Assessment is carried out prior to inclusion in Proposed Plan. Requirement for restoration of watercourse.

John M MacIntosh, Christine MacIntosh, Invergordon Community Council (04098, 04123, 00293) - Removal of site.

John MacIntosh (04438) - Removal of site (assumed); otherwise requirement for landscape buffer area of 150 metres from the A9 Trunk Road.

Summary of responses (including reasons) by planning authority:

General

Roman Catholic Church (03936) - It is accepted that there are ongoing issues associated with the provision of parking in Invergordon. One of the main contributing factors to this is limited parking for workers at the Invergordon Service Base. Planning permission (reference: 13/04825/FUL [THC IG General/1]) was granted in April 2014 for part of the Former Railway Sidings to be utilised as a car park for 59 cars and a planning application (reference: 14/01382/FUL) was submitted in April 2014 that proposes conversion of a site known as the Former Coal Yard adjacent to Invergordon Service Base into a car park suitable for 104 cars; this application remains pending at the time of writing. It can therefore be seen that the Cromarty Firth Port Authority are making efforts to address parking issues in Invergordon. Furthermore the requirements for site IG11: Cromarty Firth Port Authority includes a transport assessment that must demonstrate that adequate parking can be provided. Accordingly, the Council believes the general text for Invergordon should be retained without modification.

Carl Beck (00391) - It is appreciated that there may be conflicts between industrial development at Invergordon and the amenity of residents and visitors. However the Proposed Plan continues to support industrial as well as other types of growth in Invergordon because the sheltered harbour and deep water of the firth provide a unique resource and there are ambitious plans to expand the port by reclaiming land from the sea which will result in significant investment and employment opportunities. The Proposed Plan supports a network of ports and harbours in the Inner Moray Firth area that complement each other and supports the creation of employment centres at Nigg, Highland Deephaven, Invergordon and Whiteness. Furthermore much of the recent development that has taken place in Invergordon out with the control of the planning authority as it has been deemed permitted development or subject to a Marine Licence. Accordingly it would not be appropriate for the reference to supporting industrial expansion to be removed. However it is considered that there is merit in the second bullet point providing a more balanced explanation of the requirement for increased port facilities. As such the Council would support an amendment to the second bullet to read 'Requirements for increased port facilities and to meet future growing demands within the energy, freight and tourism industries' should the Reporters wish to recommend it.

Social Housing Providers in Highland (04381) - The Proposed Plan allocates a generous supply of housing land within Invergordon and the wider East Ross Housing Market Area. It is accepted that a number of housing sites within Invergordon may not come forward within the early years of the Proposed Plan due to constraints, in particular contamination and ownership. However, given that a generous supply of effective housing sites are allocated in the wider East Ross Housing Market Area and that the representation does not suggest any potential additional sites there is no overriding and exceptional need to introduce additional housing allocations at this late stage in the Plan process. Accordingly, the Council believes no additional housing allocations should be made in

Invergordon.

New Sites Not Previously Consulted On

Ernst Robberts (03997) - The site, known as the Former Coal Yard, was allocated in the Ross and Cromarty East Local Plan for housing, with a capacity of 6-8 units [CD3, Ref 11, Invergordon, Page 84 and Ref 11 Invergordon Inset Map]. The requirements stated that it was suitable for sheltered housing or flatted accommodation. Planning permission (reference: 13/00580/FUL [THC IG General/2]) was granted to The Highland Council for 12 affordable homes in June 2013. Given that the Proposed Plan focuses on key areas of change, specific allocations for smaller sites were not made unless there were exceptional circumstances; furthermore, for this site its future remains uncertain. Whilst the site is currently owned by the Council, an agreement has been made for the Council to sell the site to the Cromarty Firth Port Authority subject to conditions, one being that planning permission can be obtained for use of the area as a car park. This is to help address ongoing issues with the lack of parking in Invergordon, in particular for workers at the Invergordon Service Base. A planning application (reference: 14/01382/FUL) that proposes conversion of the site into a car park suitable for 104 cars was submitted to the Council in April 2014 and is pending determination at the time of writing. Any potential amenity uses associated with use of the site as a car park will be explored during the consideration of this application. It is therefore considered that it would be most appropriate for the site to continue to be shown as 'white land' in the Proposed Plan. This allows the principle of development to be supported by Highland-wide Local Development Plan (HwLDP) Policy 34: Settlement Development Areas [CD1, Policy 34]. This policy which presumes in favour of development subject to detailed considerations. Accordingly, the Council believes the site should be retained as white land without modification.

IG2 Invergordon Mains West

John Munro (04144) - An individual private residence known as Roebank lies on the east side of Castle Close. Although the property is excluded from the IG2 allocation it does represent a small incursion into the wider field that is proposed to be allocated. The site is in private ownership and it would therefore be for the owner of the site to consider purchasing the property to integrate it as part of the development and not the Council. Loss of property value is not a material planning consideration. Accordingly, the Council believes the allocation should be retained without modification.

IG4 House of Rosskeen

MacKenzie Family (04439) - Support noted.

Woodland Trust (04364) - The proposed housing allocation at House of Rosskeen in Invergordon includes areas of woodland contained in the Inventory of Ancient Woodland [THC IG4/1]. The requirements for IG4 clearly specify that housing development is only supported within the open ground on the site and for conversion, redevelopment and infill development at the castle cottages and Rosskeen House and that the ancient woodland must be retained and protected. Furthermore, Policy 51: Trees and Development [CD1, Policy 51], Policy 52 Principle of Development in Woodland [CD1, Policy 52, Page 103] and Policy 57: Natural, Built and Cultural Heritage [CD1, Policy 57, Page 111] of the HwLDP all presume in favour of retention and protection of woodland. It is therefore considered that sufficient protection is given to the woodland to allow it not to be disturbed

by development within the open ground. Accordingly, the Council believes the allocation should be retained without modification.

IG5 Former Railway Sidings

Iain Maclean, Cromarty Firth Port Authority (04052, 04218) - The Council considered it was appropriate to allocate the site for housing, business and tourism for a number of reasons. Firstly due to its strategic position and prominence at the west end of Invergordon High Street; secondly due to the lack of tourist facilities, in particular hotel accommodation for leisure and business travellers and employees (often temporary contractors) of the expanding Invergordon Service Base; thirdly to provide a greater range and choice of housing sites and lastly to provide employment generating uses. Furthermore, part of the site has recently been remediated for the purposes of a storage facility. Whilst it is appreciated the site lies in close proximity to the Invergordon Service Base and railway and the B817, these issues are not insurmountable and the proposed form of development on the site could be achieved whilst providing a satisfactory level of residential amenity.

A requirement has been made for public realm improvements given the location of the prominent, gateway site at the western entrance to Invergordon High Street and therefore the opportunity the site presents. The term public realm improvements could be defined in Plan's glossary, if the Reporters see fit, as 'improvement to the physical environment and appearance of civic or other public spaces'.

In terms of restricting housing to one storey out of respect to Cromlet residents, views from individual houses are not a material planning consideration. The height of housing is a detailed matter which would be considered at development management stage taking into account any wider landscape or visual impact.

To allow an assessment of the potential appropriateness of the site to be identified for additional uses, in particular car parking and laydown is important to provide the context of the site. It is located in a prominent position at the west end of Invergordon High Street. Established uses directly adjacent to the site include housing, businesses, railway station and a church. It is allocated in the Ross and Cromarty East Local Plan for a railway goods siding reflecting a planning permission which was granted for this use to the Cromarty Firth Port Authority in 1999 [CD3, Invergordon, Para 22, Page 85 and Site Ref 22, Invergordon Inset Map]. This permission was never implemented and has since lapsed.

Planning permission (reference: 11/03444/FUL) was granted to the Cromarty Firth Port Authority in December 2011 for the change of use of the old siding at Invergordon Railway Station storage area associated with the Service Base at Invergordon. The permission was granted for a temporary period of three years and was subject to a number of other conditions which restricted the access route through the former Henderson's Yard site onto High Street and limited hours of heavy traffic movements and materials that could be stored. In 2013 the Port Authority made a further application to use part of the site for car parking, to allow general access from Station Road and to extend the hours of operation. This gave rise to concerns from Invergordon Community Council, local residents and the Council's Environmental Health Officer. Further to correspondence, discussions and a meeting with the Port Authority, the previous application was withdrawn and a new application submitted for just the car parking element to address some of the recognised parking problems which exist in the town. This new application (reference: 13/04825/FUL) was granted in April 2014 for a north eastern part of the site to be utilised as a car park for

59 cars. The report of handling for the application explains that the permission is temporary until the 21 December 2014 to allow the planning authority to retain effective control over the use and review the impact of use on neighbouring properties. It also notes that although the car park is being created primarily for users of the Invergordon Service Base it will be open to the general public [THC IG5/1].

In terms of an additional use to accept parking on the site the Council would support such a change should the Reporters wish to recommend it. This is for the following reasons: the recognised limited availability of parking in Invergordon, in particular for users of the Service Base and the planning permission for temporary car parking found that there were unlikely to be amenity issues. Whilst the Council's preference is for housing, business and/or tourism uses on the site it is felt that this can be achieved with the additional use of a temporary or permanent parking area.

With regards to laydown being specified as a use the definitions of business and industry are provided in the glossary of the Proposed Plan [CD6, Glossary, Page 166] and are consistent with The Town and Country Planning (Use Classes) (Scotland) Order 1997. Dependant on the nature and intensity of laydown use it may fall under a business or industrial use. However, taking into account that planning permission (reference: 11/03444/FUL) for the change of use to storage was temporary to review the impact of the use on neighbouring properties it is not considered appropriate to allocate the site for industry. Furthermore given the amenity impacts of laydown are unknown it would not be appropriate for the Proposed Plan to specify this as particular use, and would be inconsistent with the way in which uses are specified in the Proposed Plan. Accordingly, the Council believes the laydown should not be specified as use for the site.

IG6 Seabank Tank Farm

Arnold Francis Bova (00974) - The site is commonly known historically and continues to be known locally as the Seabank Tank Farm. It is understood that the full description of the site is 'Former Ministry of Defence Storage and Distribution Facility for Aviation and Low Viscosity Fuel Oil'. However, whilst this methodology may be correct it is too lengthy a description for common use. It is therefore considered that the site should continue to be named Seabank Tank Farm.

Historic uses of the site, in particular as an oil storage facility during World War 2, would indicate contamination is a significant issue that will need to be resolved. The requirements section of the Proposed Plan makes clear that a development brief for the site should explore decontamination of the site. As such further detail on the land contamination issues associated with the site will be provided when the supplementary guidance is prepared. The removal of the allocation because the extent of contamination is unknown would reduce the likelihood of future site investigation works given there would be less certainty over the future of the land. Furthermore support for the regeneration of the site is also consistent with Scottish Planning Policy which requires planning authorities to prioritise redevelopment of brownfield sites and to support and promote proposals to bring vacant land back into use for development or create more attractive environments [THC IG6/1].

It is considered that the site boundary presented in the Proposed Plan accurately reflects the boundary of the former Tank Farm and therefore the area identified for regeneration. It is therefore not considered necessary for the boundary to be amended to connect to existing road and other infrastructure.

In response to an objection to the Council's preference for redevelopment of the site in the Plan's Main Issues Report [CD5, Invergordon Site Ref MU3, Page 82-83], one justification for its continued allocation was its strategic location in Invergordon close to the town centre and port and therefore provides a major opportunity to dramatically improve the landscape of the town through the redevelopment of the site for a number of uses. The town centre boundary shown on the Invergordon inset map in the Proposed Plan does not include the site. Given the site does not currently perform any town centre functions it is not considered appropriate for the town centre boundary to be altered. The town centre boundary will be reviewed when the next local development plan is prepared and may be amended to include the site if development has progressed.

The Proposed Plan was published in accordance with the publication and notification requirements specified in Scottish Government Planning Series Circular 6/2013: Development Planning. In addition to this a widely publicised consultation event was held in Invergordon during the consultation period. No further consultation is therefore required at this stage for development planning purposes.

In terms of any increase in surface water flood risk to existing properties, again this is something that will be considered in more detail at the time of the preparation of a development brief and/or planning application. It is likely that given the scale of the site a Flood Risk Assessment and Drainage Impact Assessment will be required. Development will only be permitted to proceed if such studies and any mitigation subsequently required are considered satisfactory to the Council following feedback from SEPA and/or Scottish Water. Furthermore sustainable urban drainage methods will also be required to be used.

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

Carl Beck (00391) - As part of the Council's Sustainable School Estate Review options are being examined for the regeneration of the school estate in Alness and Invergordon. Given the stage of the review it was not possible to identify specific sites for any required new school/s. The Council's Education, Culture and Sport Service are currently undertaking wider engagement to obtain feedback and ideas on the project. Therefore the current stage in the project still does not allow for the Proposed Plan to identify any specific site/sites for a new school. Nevertheless a supported use for the site is community. Therefore, should the outcome of the Council's Education, Culture and Sport Service's review process identify the site as a preferred site for a new school the principal of this use would be acceptable. Accordingly, the Council believes the allocation should be retained without modification.

IG8 Invergordon Mains North

The requirements for IG8 clearly specify 'protection of existing boundary trees and development set back from them'. It is considered that this requirement, alongside the HwLDP policy framework including Policy 51: Trees and Development [CD1, Policy 51], Policy 52 Principle of Development in Woodland [CD1, Policy 52, Page 103] and Policy 57: Natural, Built and Cultural Heritage [CD1, Policy 57, Page 111] provide adequate protection for woodland interests. It is therefore considered that sufficient protection is given to the woodland to allow it not to be retained and not disturbed by development. Accordingly, the Council believes the allocation should be retained without modification.

IG10 Cromarty Firth Industrial Park

Combined Power & Heat (Highlands) Ltd (04554) - Cromarty Firth Industrial Park is an established industrial park in the north east of Invergordon. It is currently occupied by a number of businesses including timber product suppliers, coal yard and waste management facilities. Whilst the majority of the site is now occupied, some vacant land remains for the development of industrial or business uses.

A planning application (reference: 08/00455/FULRC) was submitted in 2008 for the erection of a waste to energy combined heat and power on a vacant piece of land in the south west of the industrial park. The application was recommended for approval but subsequently refused at the Council's Caithness, Sutherland and Easter Ross Planning Applications Committee on 18 August 2009. The applicant appealed and that appeal was successful. The appeal decision was subsequently challenged through the Court of Session, and the appeal was returned to the Directorate for Planning and Environmental Appeals for re-determination. A public inquiry was held in summer 2012 and its outcome was reported in November 2012, which was to allow the appeal and grant planning permission for the development. However following this decision two separate challenges in the Court of Session against this decision were launched. These challenges are by The Highland Council and Ross Estates. The outcome of the Council's challenge was expected in mid-February 2014, however, at the time of writing, a decision from the Court of Session has not yet been announced. Until the outcome of these challenges is known it would be inappropriate to identify the site for further waste management facilities, including energy from waste plant or otherwise, particularly given the Council's consistent non-support for a waste to energy combined heat and power on the site.

Furthermore Policy 70: Waste Management Facilities of the HwLDP [CD1, Policy 70, Page 125] identifies sites where waste management facilities will be supported. Figure 9 [CD1, Figure 9: Location of Existing and Proposed Waste Management Facilities in Highland, Page 128] identifies there are existing waste management facilities at the Cromarty Firth Industrial Park. Accordingly, the Council believes the allocation should be retained without modification.

IG11 Cromarty Firth Port Authority

James Mackay (04058) - Where it is within the control of the planning authority, for developments such as the erection of a fence, all relevant issues would be considered in the determination of a planning application including consistency with HwLDP Policy 57 Natural, Built and Cultural Heritage [CD1, Policy 57, Page 111] which includes consideration of impact on views over open water.

Carl Beck (00391) - The Invergordon Service Base lies in very close proximity to residential properties in Invergordon. Whilst the Council recognises that this may present amenity conflicts, certain types of development undertaken by the Port Authority benefit from permitted development or required a Marine License and therefore are out with the control of the planning authority. For developments at Invergordon Service Base that do require planning permission any amenity impacts would be considered to ensure consistency with HwLDP Policy 28 Sustainable Design [CD1, Policy 28, Page 77].

A policy to relocate heavy industry to alternative sites is not possible. The Proposed Plan supports a network of ports and harbours in the Inner Moray Firth area that complement each other and supports the creation of employment centres at Nigg, Highland

Deephaven, Invergordon and Whiteness. It would therefore be contrary to the Proposed Plan's vision and spatial strategy as well as the HwLDP Vision and Spatial Strategy [CD1, Inner Moray Firth Vision and Spatial Strategy, Para 8.1 – 8.4, Pages 21-23] if policy was changed to focus clean cargo with RoRo/cruise and waterfront regeneration and marina in Invergordon and heavy industry at Nigg. Furthermore much of the recent development that has taken place in Invergordon is not governed by planning legislation and therefore it is out with the control of the planning authority to provide support or otherwise for individual developments of this nature.

In terms of parking, the Port Authority have recently taken steps to address this issue, in particular they have recently been granted temporary planning permission for a car park for 59 cars at the Former Railway Sidings and have a live application for a car park for 104 cars at a former coal yard adjacent to Invergordon Service Base. It is accepted that the Tomich Junction requires upgrading, this has been the subject of ongoing discussion between the Council and Transport Scotland for a number of years. The Proposed Plan acknowledges this and sets out a mechanism for developer contributions to be collected [CD6, Para 4.68, Page 83-84].

The Inner Moray Firth Ports and Sites Strategy: 2050 was approved as supplementary planning policy in support of the Development Plan at the Planning, Development, Europe and Tourism Committee on 31st May 2006. Since this time a number of changes have been made to planning legislation meaning that there are now different procedures for the preparation and adoption of supplementary guidance and a new development plan has been adopted.

Therefore at the current time the Inner Moray Firth Ports and Sites Strategy: 2050 is not statutory supplementary guidance to the HwLDP. It is however identified as existing supplementary guidance in the HwLDP. The HwLDP [CD1, Appendix 3 – Supplementary Guidance, Pages 158-159] explains that further work will be undertaken on whether the guidance will be statutory or non-statutory going forward. At this time it is not intended to adopt the strategy as statutory supplementary guidance to the HwLDP or the Inner Moray Firth Local Development Plan. This is because the strategy, written in 2006, is now somewhat dated and its recommendations have been superseded by developments since that time, for example the establishment of Enterprise Areas and the publication of the National Renewables Infrastructure Plan. It therefore would not be appropriate for the Inner Moray Firth Ports and Sites Strategy: 2050 to be translated into policy in the Inner Moray Firth Local Development Plan.

Whilst the Inner Moray Firth Ports and Sites Strategy: 2050 [THC IG11/1] does list clean cargo with RoRo/cruise and waterfront regeneration and marina as target sectors for Invergordon the HwLDP Plan Vision and Spatial Strategy for the Inner Moray Firth identifies Invergordon as an employment base. The text explains that diversifying the Highland economy ports and harbours, including Inverness and Invergordon, will have supported the growth of tourist and renewables related economic development. The Ross-shire Growth area vision and spatial strategy also reflects these aspirations [CD6, Map 6 and Paras 3.9-3.15, Pages 24-26].

Furthermore the landowner is actively developing and expanding the site to provide additional quay and landward space to address future anticipated markets, particularly in the oil and gas and renewables sectors. It is estimated such facilities will result in significant investment and employment opportunities.

It is therefore considered that Invergordon is capable of accommodating clean cargo with RoRo/cruise and waterfront regeneration and marina as well as heavy industrial development such as oil rig repair and maintenance and renewables manufacture and should therefore continue to be allocated in the Plan for this purpose.

Invergordon's location on the north side of the Cromarty Firth provides an outstanding setting for the town. It is accepted that existing developments at the service base have had an impact of the visual amenity of Invergordon, in particular in views across the firth. Where it is within the Council's control visual impact of developments must be consistent with HwLPD design policies.

The Habitats Regulation Appraisal screened in this site as it was considered likely to have a significant effect on the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation; it therefore required appropriate assessment. The appropriate assessment identified potential impacts of development of the site upon the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation and subsequently identified mitigation measures that would allow there to be no residual impact on the integrity of the European site. Full details of potential impacts and mitigation are provided in the Habitats Regulation Appraisal [THC IG11/2]; mitigation requirements are detailed in the Proposed Plan.

Cromarty Firth Port Authority (04218) - The area identified as IG11 is commonly known as the Cromarty Firth Port Authority, a name that reflects the ownership of much of the land allocated. However, it is agreed that it is an inconsistent approach given most sites in the Proposed Plan are not named after the landowner and because the site is not wholly within the ownership of the Cromarty Firth Port Authority. It is therefore agreed that it would be more appropriate to name the site 'Invergordon Harbour Area'. Accordingly the Council would support such a change should the Reporters wish to recommend it.

It is accepted that the Cromarty Firth Port Authority, as a statutory harbour authority, benefits from certain permitted development rights. Notwithstanding this some development within the harbour area may still require Marine Licensing and/or terrestrial planning consent depending on the proposal. Whilst the Scottish Government's Marine Scotland Licensing Operations Team issues consents for Marine Licenses and is governed by different legislation, the Council as planning authority, determines applications for terrestrial planning consent. As such, the requirements listed for the site are relevant for any applications submitted to the Council for terrestrial planning consent. It is considered that this could be made clearer in the introductory text to the requirements for the site. Accordingly the Council would support an amendment to the requirements text to state: 'Where terrestrial planning permission is required and dependant on the nature of the development the following may be required...' should the Reporters wish to recommend it.

The Habitats Regulations Appraisal does identify potential for likely significant effect on Moray Firth Special Area of Conservation and Dornoch Firth and Morrich More Special Area of Conservation in combination with other proposals. While Dornoch Firth and Morrich More Special Area of Conservation are not included in the text for IG11, it is included in the Habitats Regulations Appraisal Record, together with mitigation, referring to Construction and Operational Environmental Management Plans (in the IG11 text). Accordingly, the Council believes this part of the allocation text should be retained without modification.

An Operational Environmental Management Plan may be required for any developments on the site that require terrestrial planning permission. Planning applications can be accompanied by a wide range of mitigation documents to protect Natura interests. An Operational Environmental Management Plan is intended to cover mitigation documents relating to the operational as opposed to the construction phase. The Council accepts that a clearer description could be provided in the requirements text. Accordingly the Council would support an amendment to this requirement text to state: 'Mitigation plans for any relevant operational activities' should the Reporters wish to recommend it.

Underwater noise can be referred to in the context of any piling works therefore the Council accepts this requirement could only refer to the Cromarty Firth Special Protection Area. Accordingly the Council would support an amendment to this requirement text to state: 'Special Protection Area Noise Mitigation Plan' should the Reporters wish to recommend it.

The allocation of IG11 is not intended to be specific to Phase 3 of the Cromarty Firth Port Authority development. Because the requirements text begins by explaining that the requirements may be relevant dependant upon the nature of the development this acknowledges that a piling method statement may not always be required. However the Council does accept that the requirement could be made clearer that it is referring to the issue of underwater noise. Accordingly the Council would support an amendment to this requirement text and amalgamation the sixth and seventh bullet points to read: 'Demonstration of no adverse effect on the integrity of the Moray Firth Special Area of Conservation through disturbance from underwater noise arising from piling and/or from increased marine traffic in combination with other proposals' should the Reporters wish to recommend it.

The reference to the Special Protection Area rather than the Special Area of Conservation in the 7th bullet point is a wording error. It should read Moray Firth Special Area of Conservation because the bullet goes on to refer to potential impacts on dolphins. This is a minor wording change which the Council will make as a non-notifiable modification.

SNH have confirmed that 'Dolphins and Development' is still the starting reference for consideration of cumulative impact of boat movements on dolphins. However based now on the Population Consequences of Disturbance approach a later assessment is now available for this area entitled "The cumulative effects of development at three ports in the Moray Firth on the bottlenose dolphin interest of the Special Area of Conservation", (November 2013). Accordingly the Council would support an amendment to this requirement text to state: 'see model in 'Dolphins and Development' and any later assessments' should the Reporters wish to recommend it.

The Special Area of Conservation Management Scheme is an agreement between public bodies to take into account recommendations and best practice to protect the Special Area of Conservation. In practice if the various other requirements set out in the policy are complied with, this would be fulfilling also the Special Area of Conservation Management Scheme. Whilst the Council considers 'account being taken' is not an onerous expression, the text could be amended slightly to reflect the 'voluntary' nature of the scheme. Accordingly the Council would support an amendment to this requirement text to state: 'Regard to be had to the Moray Firth Special Area of Conservation Management Scheme' should the Reporters wish to recommend it.

The requirement for a flood risk assessment to ensure the site will remain operational during flood conditions or if non-port related development is proposed is included in the Proposed Plan following advice from SEPA. It is considered the text as written is sufficiently clear.

The Transport Appraisal that supports the Proposed Plan is of a strategic nature; as such parking requirements for individual settlements are not specified as requirements. Whilst section 2.20 to 2.23 does emphasise that a fundamental vision of the Proposed Plan is to enable more efficient forms of travel [CD6, Paras 2.20-2.23, Pages 16-17] this does not mitigate the need for developments to provide parking consistent with the Council's Roads and Transport Guidelines. Accordingly, the Council believes this requirement of the allocation should be retained without modification.

Margaret Walker (04095) - The Invergordon Service Base lies in very close proximity to residential properties in Invergordon. Whilst the Council recognises that this may present amenity conflicts, certain types of development undertaken by the Port Authority benefit from permitted development or require a Marine License and therefore are out with the control of the planning authority. For developments at Invergordon Service Base that do require planning permission any amenity impacts would be considered to ensure consistency with HwLDP Policy 28 Sustainable Design [CD1, Policy 28, Pages 77-78].

It is accepted that the Cromarty Firth Port Authority, as a statutory harbour authority, benefits from certain permitted development rights. Notwithstanding this some development within the harbour area may still require Marine Licensing and/or terrestrial planning consent depending on the proposal. Whilst the Scottish Government's Marine Scotland Licensing Operations Team issues consents for Marine Licenses and is governed by different legislation, the Council as planning authority, determines applications for terrestrial planning consent. As such, the requirements listed for the site are relevant for any applications submitted to the Council for terrestrial planning consent. However, it is considered that this could be made clearer in the introductory text to the requirements for the site. Accordingly the Council would support an amendment to the requirements text to state: 'Where terrestrial planning permission is required and dependant on the nature of the development the following may be required...' should the Reporters wish to recommend it.

IG12 Delny

Scottish Environment Protection Agency (00523) - A large part of the western side of the site is identified as being at risk from flooding on the SEPA Indicative Coastal and River Flood Map and therefore SEPA oppose the inclusion of this site in the absence of a flood risk assessment being undertaken beforehand. Large parts of the site continue to be shown to be at risk from flooding on the SEPA 2014 Flood Map [THC IG12/1]. Despite this, given the strategic importance of the site it is considered the current wording in the requirements section of the Proposed Plan, that reads 'flood risk assessment may affect the developable area of the site' remains appropriate. Removing or reducing the site area of this important strategic site in the absence of any detailed flood risk information is not considered a proportionate approach. Furthermore Highlands and Islands Enterprise provided support for the allocation of the site during the preparation of the Plan due to a shortage of industrial land in the Cromarty Firth Area for the oil and gas sectors [THC IG12/2; THC IG12/3].

With regards an additional requirement to restore the watercourse, the requirements for the site already require 'consideration to be given to restoration of Rosskeen Burn and other nearby minor watercourses'. Accordingly, the Council believes the allocation should be retained without modification.

John M MacIntosh, Christine MacIntosh, Invergordon Community Council (04098, 04123, 00293, 04438) - The now revoked Scottish Planning Policy 2: Economic Development required this site at Delny to be safeguarded in the development plan as it had potential to accommodate integrated wood processing industries including pulp mills [THC IG12/4]. Accordingly the Ross and Cromarty East Local Plan allocated the 100ha site for a large single user enterprise [CD3, Para 36, Pages 37-38]. The Inner Moray Firth Ports and Sites Strategy: 2050 [THC IG12/5] explains that a new company, Forscot, was established to take the project forward with different components planned to come on stream during 2007- 2009 and a total projected investment of £1.2 billion, with 500 direct permanent employees. However in 2008 Forscot announced plans for the development were being abandoned due to lack of funding. Whilst the consolidated Scottish Planning Policy no longer makes reference to the potential development at Delny and there is currently no known active interest in the site it is considered that it remains appropriate for it be allocated in the Proposed Plan. This is because a significant amount of money has been spent in the past on feasibility studies for the site, and it was identified for its merits in the past on a national level. The site also has the potential to be accessible by rail, air and sea and to accommodate large single or multiple user enterprises. Furthermore Highlands and Islands Enterprise provided support for the continued allocation of the site during the preparation of the Proposed Plan due to a shortage of industrial land in the Cromarty Firth Area for the oil and gas sectors.

It is accepted that the Tomich Junction requires upgrading, this has been the subject of ongoing discussion between the Council and Transport Scotland for a number of years. A requirement of the allocation is a transport assessment which would assess the impact of the development on this junction of the development and provide detail of any required mitigation measures. Furthermore, section 4.68 of the Proposed Plan [CD6, Para 4.68, Pages 83-84] explains that developers will be expected to contribute towards the upgrade of this junction for which a contributions protocol will be developed and adopted as supplementary guidance to this Proposed Plan. The transport modelling that informed the Transport Appraisal that accompanies the Proposed Plan did not identify any detrimental impact on the strategic transport network as a result of the cumulative impact of development in Invergordon. The Transport Appraisal [THC IG12/6] does however identify improvements to the Tomich junction as a strategic road improvement and this is referred to in the Ross-shire Growth Area text in the Proposed Plan [CD6, Para 3.19, Page 27]. It is therefore considered that the Proposed Plan provides sufficient context to require the development to contribute towards an upgrade to the Tomich Junction to allow increased capacity and to help address road safety issues.

The site lies within close proximity to residential properties at Broomhill and includes a property known as Breezy Brae [THC IG12/7]. Following further consideration the Council accepts that the requirements for the site should provide greater protection of amenity of the residents of these properties given their proximity to the industrial allocation. In particular it is recommended that the site boundary is amended to exclude 'Breezy Brae' from the allocation and an additional requirement added for buildings to be set back a minimum 150 metres from the A9 and the intervening land to be suitably landscaped in the interests of amenity should Reporters wish to recommend it. It is considered that amending the boundary, along with additional amenity related requirements and

compliance with Policy 28 Sustainable Design of the HwLDP [CD1, Policy 28, Page 77-78] will provide adequate protection to the amenity of the properties at Broomhill.

Concerns relating to the loss of prime quality agricultural land are noted. Scottish Planning Policy [THC IG12/8] advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. It is therefore considered that loss of prime agricultural land at this location, whereby significant housing expansion in Invergordon is supported due to its location on the Easter Ross Growth Corridor, is an essential component of the settlement strategy and therefore is consistent with Scottish Planning Policy.

A large part of the western side of the site is identified as being at risk from flooding on the SEPA Indicative Coastal and River Flood Map and therefore SEPA oppose the inclusion of this site in the absence of a flood risk assessment being undertaken beforehand. Large parts of the site continue to be shown to be at risk from flooding on the SEPA 2014 Flood Map. Despite this, given the strategic importance of the site it is considered the current wording in the requirements section of the Proposed Plan, that reads ‘flood risk assessment may affect the developable area of the site’, remains appropriate. Removing or reducing the site area of this important strategic site in the absence of any detailed flood risk information is not considered a proportionate approach.

The Habitats Regulation Appraisal screened in this site as it was considered likely to have a significant effect on the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation; it therefore required appropriate assessment. The appropriate assessment identified potential impacts of development of the site upon the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation and subsequently identified mitigation measures that would allow there to be no residual impact on the integrity of the European site. Full details of potential impacts and mitigation are provided in the Habitats Regulation Appraisal [THC IG12/9]; mitigation requirements are detailed in the Proposed Plan.

With regards to landscape and visual impact it is accepted that an industrial proposal that reflects the scale of the allocation would have a significant impact. Such an impact must be accepted due to the strategic nature of the allocation. In terms of mitigating the landscape and visual impact it is a requirement in the Proposed Plan for the developer to prepare a master plan/development brief to be agreed with the Council. The development brief will provide details of access, layout, design, servicing and landscaping. The Proposed Plan also requires the submission of a landscape assessment with supporting landscape plan. These requirements in conjunction with the additional recommended requirement for buildings to be set back a minimum 150 metres from the A9 and the intervening land to be suitably landscaped in the interests of amenity are considered to provide an adequate context for a high quality development to be achieved that limits significant landscape impacts.

Reporter’s conclusions:

General

Roman Catholic Church (03936)

1. The council has accepted there are parking issues in Invergordon and has outlined

measures that have been taken to address these in relation to specific development proposals. The council identifies lack of parking for workers at the service base as one of the main contributing factors. The proposed plan makes provision for parking in the requirements for site IG11, the Port Authority land, and I agree with the council that no further modification is needed.

Carl Beck (00391)

2. The council acknowledges there may be conflicts between industrial development at Invergordon and the amenity of residents and visitors. However industrial development, based partly on the deep water harbour facilities, is a long established feature of the town and has been supported in successive development plans. I consider it unrealistic that this could change to the extent of giving completely open views across the Cromarty Firth.

3. The council does however see merit in amending the second bullet point to give a more balanced explanation of the need for increased port facilities. I agree that this is a sensible clarification.

The Highlands Small Communities Housing Trust (04381)

4. The proposed plan allocates some 925 housing sites in Invergordon. Of these 116 refer specifically to affordable, sheltered and higher density houses. I accept that some of the other sites could well be effective only in the later stages of the plan, notably site IG6, the former tank farm, where extensive site clearance and decontamination are required.

5. Despite this, and in the absence of any specific proposals, I find there is a generous allocated supply originating with the Highland-wide Local Development Plan. I accept the council's view that there is no justification for any modification.

New Sites Not Previously Consulted On

Ernst Robberts (03997)

6. This former coal yard site at Clyde Street has been the subject of a potential change of view by the council. Having been formerly designated for housing, and been granted planning permission (13/00580/FUL), the council now considers it may be better used as a car park. Such a use would help to address the concerns raised above about a lack of parking in the town.

7. A planning application has been made for the site by the council, and I see from its website that planning permission has been granted for a car park for 99 cars. In reaching this decision the council would have considered public views, and the officers' report will have set these out.

8. While the council has agreed the sale of the land to the Cromarty Port Authority, subject to the car park planning permission being granted, as permission now exists for both housing and a car park on the site, it would be wrong to designate the ground for either specific purpose. I agree with the council that designation as 'white land' is an appropriate treatment for the site and leaves it open for either use to be implemented.

9. The issues as to whether the designation affects the investment value of a nearby property is not a matter for the development plan. No modification is needed.

IG2 Invergordon Mains WestJohn Munro (04144)

10. As the property proposed for designation as an extension of this site, Roebank, appears to be in private hands I accept the council's logic for excluding it. No compelling argument has been put forward as to why it is necessary to develop the property as part of the site. The site boundary is already irregular along its eastern edge, with a small incursion from site IG7 into IG2 adjacent to Roebank. There would be more logic in acquiring Roebank if that incursion could also be purchased, leaving a relatively straight boundary between the two designated sites.

11. This would be a matter for agreement between site developers and owners and I see no reason why an extension to the site is necessary to enable its development. As site IG2 is proposed for residential development no convincing arguments have been put forward as to why it should make Roebank difficult to sell. In any event I agree with the council that this is not a relevant planning matter. No modification is needed.

IG4 House of RosskeenWoodland Trust (04364)

12. The developer requirements for this site state clearly the need to retain and protect the ancient woodland. The need to do this does not justify the removal of the site from the plan. As the council points out further protection comes from Highland-wide Local Development Plan Policies 52 and 57 regarding woodland and natural heritage. I am satisfied that with all these safeguards in place there is no need to remove the site from the plan.

IG5 Former Railway SidingsIain Maclean (04052), Cromarty Firth Port Authority (04218)

13. Site IG5 has an important position on the northern side of the west end of High Street, approaching the town centre from the west. The plan is correct to call it a prominent gateway site, and I agree with the council's reasoning for designating it for homes, business and tourism. To add clarity I agree with the council that it would be helpful for 'public realm improvements' to be added to the glossary.

14. The site has had a varied history, including the granting of planning permission (11/03444/FUL) on a temporary basis for storage associated with the service base, and car parking. The site is relatively small, at 1.5 hectares, and I do not consider its gateway location to be compatible with industrial uses related to the service base. I accept a car parking element, as suggested by the council, in part because of the shortage of parking generally in the area, and because the other proposed uses of housing, business and tourism will all require parking provision to be made. I note that planning permission has been granted for parking for 59 cars. This should be included in the potential uses but no other modifications should be made.

IG6 Seabank Tank FarmArnold Francis Bova (00974)

15. First regarding the site name, I have some sympathy with the view that 'tank farm' may not be readily understood. It would therefore be appropriate to add that it is a former fuel storage depot.

16. The fact that extensive work is required to assess and prepare the site for development is not a justification for removing it from the proposed plan. At 22.5 hectares, and lying close to the town centre this is a very important site for the future of Invergordon. As a former fuel depot, with all the original tanks and infrastructure appearing to be still in place, site clearance and decontamination will be a major and expensive task. I therefore believe the council is correct to spell out how supplementary guidance will address these matters, together with normal development issues such as transport, access and landscaping among others.

17. That said flooding and drainage are clearly important issues and the council acknowledges this. It would therefore be sensible to add flooding and drainage impact assessments to the list of matters to be considered by the guidance.

Carl Beck (00391)

18. I note the council's response that a review of the school estate is being carried out for Alness and Invergordon, but that at this stage it is too early to identify specific sites for a new school or schools. I accept the council's point that the proposed community use of the site set out in the plan would allow it to be developed for education should it be concluded that this is an appropriate site. No modification is needed.

IG8 Invergordon Mains NorthWoodland Trust (04364)

19. The developer requirements for this site state clearly the need to protect the boundary trees and set back development from them. As the council points out further protection comes from Highland-wide Local Development Plan Policies 52 and 57 regarding woodland and natural heritage. I am satisfied that with all these safeguards in place there is no need for any modification.

IG10 Cromarty Firth Industrial ParkCombined Power & Heat (Highlands) Ltd (04554)

20. This 41.5 hectare site was once largely occupied by the former aluminium smelter. As such it has a long history of industrial use. As well as a number of general business and industrial uses there are existing waste management facilities. As the council points out this use is confirmed in the Highland-wide Local Development Plan, which identifies sites where waste management facilities will be supported.

21. The council deals at some length with the history of the proposal to establish a waste to energy combined heat and power plant, and this does not need repeating. The grant of planning permission on appeal for this development is currently the subject of challenge in

the courts.

22. Pending the outcome of this process, I am satisfied the council's view that at this stage it would be inappropriate to make a specific designation of the site for the plant is correct. No modification is therefore needed.

IG11 Cromarty Firth Port Authority

James Mackay (04058)

23. It is not the task of a development plan to include such detail as the erection of fences. While the viewing of cruise liners may be an important activity within Invergordon I agree with the council that such matters should be dealt with in the course of considering a planning application. As part of this any representations about fencing, and other matters, would be taken into account. No modification is needed.

Carl Beck (00391), Margaret Walker (04095)

24. Invergordon has been an established industrial town for many years, with port activities dating back to at least its development as a naval base. This takes advantage of the deep water of the Cromarty Firth, which provides an outstanding natural anchorage. It is recognised in Invergordon's designation in the Highland-wide Local Development Plan as an employment centre.

25. The council has set out at length above the situation concerning the Cromarty Port Authority site, emphasising that much of the development taking place is permitted development. The council also acknowledges there is some conflict between port activities and the amenity of residents in and users of the town. While consideration of developments that require planning permission will take this into account there may be limited action that can be taken with regard to permitted development. The council's proposed amendment regarding the possible need for planning permission provides clarification and is a sensible modification.

26. Parking issues have been referred to above. Paragraph 4.68 of the proposed plan identifies the need for junction improvements, especially on the A9. It identifies how developer contributions will be required with the principles for a protocol being set down in supplementary guidance.

27. The council also refers to development that may affect the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation, with regard to the Habitats Regulations. I am satisfied that these developments will be properly assessed under the regulations and any necessary mitigation put in place. No modification is needed.

Cromarty Firth Port Authority (04218)

28. As the Cromarty Firth Port Authority does not own all the land designated for site IG11 it is an anomaly for it to be named as such. I agree with the council that Invergordon Harbour Area is a more appropriate name.

29. As some development within the harbour area is permitted development, the council's proposed amendment regarding the possible need for planning permission provides clarification and is a sensible modification, as also referred to in paragraph 25

above.

30. While the Habitats Regulations Appraisal does identify potential for likely significant effects on the Moray Firth Special Area of Conservation in combination with other proposals there may well be other potential developments coming forward that have not yet been appraised. If so there is potential for developments to have a significant effect on the area on their own. Retaining the reference to the area does not prejudice the Port Authority and is a reminder of the need to be vigilant over possible impacts. I see no need for the Dornoch Firth and Morrich More Special Area of Conservation to be mentioned in this part of the plan as this is dealt with in the Appraisal. I agree with the council that no modification is required.

31. Reference to the need for an operational environment management plan is a matter requiring clarification, because this is not a normally accepted term. The council's suggested change to 'mitigation plans' will overcome this difficulty.

32. Reference to the noise mitigation plan is again a matter requiring clarification. The council's proposed modification to refer to the Special Protection Area will make it clear that this refers to minimising disturbance to birds.

33. As the council points out, the requirements are qualified by the use of the term 'may be', dependent on the nature of the development. Its proposed modification provides clarification with regard to piling. It should be noted however that this modification should be combined with the ones proposed to the council's following two paragraphs as set out above. One is correcting a factual error, and while the council says it can be done as a non-notifiable modification I must include it in my proposed modification for the sake of accuracy. The proposed modification regarding Dolphins and Development simply reflects new guidance being made available, and I accept this.

34. Regarding the last bullet point under requirements, I note that the Special Area of Conservation Management Scheme is a voluntary one. With this in mind I accept the council's proposed modification, which resolves the representee's concerns. With regard to the flood risk assessment this was inserted following advice from SEPA. I am not therefore minded to delete this.

35. The reference to parking concerning a transport assessment in the last bullet point is because parking in specific settlements is not referred to in the transport assessment that supports the proposed plan. I have already accepted above the general problem regarding lack of parking space in the town, and in these circumstances I consider it prudent that this reference be retained.

IG12 Delny

Scottish Environment Protection Agency (00523)

36. This is a major strategic site, with designation supported by Highlands and Islands Enterprise, due to a shortage of industrial land in the Cromarty Firth area. The SEPA 2014 flood risk map (THC IG12/1) shows significant areas of the site being at low and medium risk of pluvial flooding, and medium risk of fluvial flooding.

37. Scottish Planning Policy sets out at paragraph 263 a flood risk framework to be used in the preparation of development plans. This says that areas at low to medium risk of

flooding from watercourses (fluvial) can be suitable for most development, with a flood risk assessment required at the upper end of the range. Medium to high risk areas, that is with a greater than 0.5% (1:200 years) probability, may be suitable for commercial and industrial development in built up areas where appropriate flood protection measures exist, are under construction or planned. Additional development in undeveloped or sparsely developed areas is generally not considered suitable.

38. Such constraints are not set out for surface water flooding (pluvial) where it states that infrastructure and buildings should generally be designed to be free from flood water in rainfall events where the probability of occurrence is greater than 0.5%.

39. The proposed site is in a sparsely developed area. The site requirements set out in the proposed plan make it clear that the results of a flood risk assessment could affect the developable area of the site. I do not doubt the importance of the site. Much industrial development may be able to withstand some inundation, and a significant part of the risk is surface water, rather than watercourse, which could potentially be dealt with by a suitable drainage scheme. Taking these matters into account, plus the stated requirement for a flood risk assessment, I conclude on balance that the council's wish to retain the site should be supported.

40. I note also the site requirements refer to restoration of the Rosskeen Burn and other watercourses. No modification is therefore needed.

John M MacIntosh (04052), Christine MacIntosh (04123), Invergordon Community Council (00293), John MacIntosh (04438)

41. It is almost inevitable that when such a large site as this, 150.8 hectares, is designated for development, that some residential properties will be affected. The key issue is the effect of the development on residential amenity and the extent to which any adverse effects can be mitigated. At this stage of a local development plan, when just the site's designation is being considered, it is not possible to assess in any detail what these effects may be. The council has accepted a representee's proposal that any development should be set back 150 metres from the A9, and the that property known as 'Breezy Brae' should be excluded from the site area. The representee states that the buffer would assist the protection of Broomhill, but to be truly effective the buffer should extend around the property, and also Breezy Brae.

42. Without specific proposals before me it is not possible to anticipate the outcome of any assessment of the potential impact on residential amenity. This would be a matter for consideration following receipt of a planning application. This site has however been under consideration for many years, and as the council points out was identified in the long superseded Scottish Planning Policy 2: Economic Development in 2002. Its proposed inclusion in the plan should not therefore be unexpected.

43. I agree with the council's acceptance of a 150 metre buffer along the A9 and the exclusion of Breezy Brae from the site. Residential impact assessment should also be added to the list of requirements. The proposed plan's requirements also include a landscape assessment, and I agree with the council that this, and the masterplan, will provide the necessary context for a high quality development, taking into account the impact on local properties.

44. With regard to transport I have already referred above at paragraph 26 of the council's acceptance of the need for road improvements. Paragraph 4.68 of the proposed plan refers specifically to the upgrading of the Tomich junction. The site requirements include a transport assessment and I do not consider that any further modification is necessary.

45. The Habitats Regulations Appraisal has considered the potential impact of development on the Cromarty Firth Special Protection Area and Moray Firth Special Area of Conservation. Mitigation has been proposed to ensure there would be no residual impact on the integrity of the European sites. No further modifications are needed.

Reporter's recommendations:

It is recommended that:

1. On page 82 in the second bullet point under paragraph 4.63, the last word 'sectors' should be deleted, and "freight and tourism industries" be inserted in its place. The bullet point should now read: "Requirements for increased port facilities and to meet future growing demands within the energy, freight and tourism industries."
2. In the glossary: "Public realm improvements: Improvement to the physical environment and appearance of civic or other public spaces." be added.
3. Under site IG5 after 'Business': "Parking," be added.
4. In the title of site IG6 after 'Tank Farm': "Former Fuel Storage Depot" be added.
5. Under site IG6 requirements, after 'Historic Building Recording', "Flood Risk and Drainage Impact Assessments" be added.
6. Under site IG11 the site name 'Cromarty Firth Port Authority' be deleted and replaced with: "Invergordon Harbour Area".
7. Under the requirements for site IG11 the words: "Where terrestrial planning permission is required and..." be inserted at the beginning of the first sentence. The sentence now reads: "Where terrestrial planning permission is required and dependent on the nature of the development the following may be required to ensure there is no adverse effect on the Cromarty Firth Special Protection Area/Ramsar and/or Moray Firth Special Area of Conservation."
8. Under the requirements for site IG11 the second bullet point be deleted and the following be inserted in its place: "Mitigation plans for any relevant operational activities (including pollution prevention)".
9. Under the requirements for site IG11 in the third bullet point the words: "Special Protection Area" be added before 'Noise Mitigation Plan'. The bullet point now reads: "Special Protection Area Noise Mitigation Plan".
10. Under the requirements for site IG11 the sixth and seventh bullet points be deleted and replaced with a single bullet reading: "Demonstration of no adverse effect on the integrity of the Moray Firth Special Area of Conservation through disturbance from

underwater noise arising from piling and/or from increased marine traffic in combination with other proposals. See model in 'Dolphins and Development' and any later assessments."

11. Under the requirements for site IG11 the first sentence of the last bullet point be deleted and replaced with: "Regard to be had to the Moray Firth Special Area of Conservation Management Scheme."

12. The boundary for site IG12 should be modified to exclude the property 'Breezy Brae' to the south of Broomhill.

13. Under the requirements for site IG12, in the second sentence of the first paragraph of 'Requirements', after 'design' the words "residential amenity" and after 'landscaping': "to include a minimum 150 metre landscaped buffer zone along the A9 and around the properties at Broomhill and Breezy Brae for the protection of amenity" be added. For avoidance of doubt the sentence should now read: "This should address: details of access, layout, design, residential amenity, servicing and landscaping, to include a minimum 150 metre landscaped buffer zone along the A9 and around the properties at Broomhill and Breezy Brae for the protection of amenity"

14. Under the requirements for site IG12, in the last paragraph of 'Requirements' after 'Transport Assessment;' the words: "Residential Impact Assessment" be added.

Issue 25	Muir of Ord	
Development plan reference:	(Para 4.70, Page 88)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Water (00396) Scottish Environment Protection Agency (00523) Mr J Sutherland (00677) Robert Grant (00860) Jim And Maureen Thomson (00872) Mackay, Robertson And Fraser Partnership (00962) 3A Partnership Ltd (01034) John D Murrie (01182) Muir Homes (01229) Ian Morrison, Muir of Ord Golf Club (01497) Duncan Chisholm (03969) Edward Rush (04006) Fiona Barclay (04012) John Sehar (04017) Anne Ross (04102) William Dingwall (04107) Iain Elliot Limited (04111) Moira Forsyth (04121) Sue Mullins (04137) D Kemp (04149) David Scrimgeour,</p>	<p>Muir of Ord Golf Club (04159) Bert Nicholson (04160) Donald Forbes (04178) Charles Riddoch (04182) Muir Of Ord Community Council (04201) Ian MacGruer (04289) Kate Malecha (04305) David Paterson (04334) Rennie Design Golf & Landscape Architects (04351) Alick & Doreen Polson (04363) David Smart (04371) Neil Strachan Muir of Ord Golf Club (04375) Highland Small Communities Housing Trust (04381) Mr Hamish Leslie (04447) Brian & Konia Copland (04480) Clunie Conochie (04487) Archaeo-Environment Ltd (04505) Donella Macgruer (04520) JB McK Black (04524) John D Murrie (04552)</p>	
Provision of the development plan to which the issue relates:	Muir of Ord	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Service</i></p> <p>Robert Grant (00860) - Transport Road, Rail and Bus. Roads - Poor surfacing in some areas, with Road Markings unclear and Speed limits especially in the North of the Village, totally ignored. Bus Provision the current morning timetable, especially to Dingwall, means that appointments for Doctors, Dentists, Opticians and Chiropodists are not possible until after 10.15 am. Will Strathlene Doctors Surgery be large enough for growth; Police Station/Service Point location may be too far south given the proposed expansion of the north side of the village.</p>		

Shops/houses - number of vacancies and in need of repair in the village centre add to the run down look of the village. Refurbished Square is excellent improvement to centre of the village immensely also village hall is now under new Management as with the Old School Building.

Infrastructure

New rail bridge

Robert Grant (00860) - Proposed new bridge in safety terms will allow safe pedestrian movement to school and shops, would suggest publishing a timetable for the project.

Water and Waste Water Capacity

Scottish Water (00396) - Scottish Water believes that amended text would make it clear that there is existing capacity at Assynt Water Treatment Works and Muir of Ord Waste Water Treatment Works to serve Muir of Ord and that a cumulative effect over time may require investment but does not present an issue currently.

Scale and Phasing of Growth

Jim & Maureen Thomson (00872) - Consider the possibility of a further 330 homes being built in the village over the next 16 years daunting, changing Muir of Ord into a small town. Note phasing suggests housing construction not exceeding between 20/25 units in any calendar year and consider that this gradual development can be adhered to and provide time for the necessary improvements to the village centre to be developed. Several committees and individuals devote considerable time, effort and thought to various projects to improve the community and services to it. Provision of a completion date for the new bridge could be identified and give hope that something other than houses was being built.

Urge care in balancing business opportunism against housing need in and around Muir of Ord. Generally support the balance and tone of the plan as it pertains to Muir of Ord and to help us improve Muir of Ord for the benefit of the whole community.

Drainage concerns

North of Muir of Ord

John D Murrie (04552) - Concerns expressed with regard to drainage arrangements relating to development within the village, particularly those developments to the north which generally drain northwards towards our client's property. A significant drainage discharge exists on the northern boundary of the area designated MO4, feeding into an agricultural field drainage system (at grid reference NH 518 511) within our client's property before discharging to the Logie Burn at grid reference NH 522 516. Excessive volumes of water being discharged into the ditch are as a result of previous development causing significant and adverse impacts on surrounding agricultural land and existing field drainage infrastructure. Previously concerns have been raised with the Highland Council, the Scottish Environmental Protection Agency and Scottish Water about the inappropriateness of discharge without appropriate assessment of and consideration of maintaining those drains and ditches.

Suggest that any future Drainage Impact Assessment or SUDS Appraisal should include and have regard for the full extent of the agricultural drainage ditch running between grid references NH 518 511 and NH 522 516 and the proposed Plan should make specific reference for this.

New sites previously considered

Balvaird Road

J Sutherland (00677) - Object to the omission of land at Balvaird Road on the north eastern flank of Muir of Ord from the Proposed Plan. This land is also currently allocated for longer term development in the adopted Ross & Cromarty East Local Plan (RACELP) with site reference I7. My clients land adjoins R&CELP site 8 which is owned by two other parties. The combination of these was contained in the IMFLDP Main Issues Report (MIR) as a preferred site. Of the landowners an application (13/02423/FUL) for a development of 13 houses on their part of the allocation was refused in the last 6 months. The grounds for refusal was the non-provision of a master plan (to be developed in partnership with adjacent landowners) together with the lack of a suitable safe access and a disproportionately high density relative to the remaining land. The applicant was unable to prepare an overall master plan in partnership with the adjacent land owner of site 8 who presently does not wish to see his land developed. This situation may change in future and therefore overcome the "difficulty" referred to by the Council. The preferred single access to this wider site is indicated on that land holding.

The Plan also seeks to add to the already high density cluster of housing at the Cairns, which is more distant from the main village facilities and services, with also increases in the capacity of MO2 (Tore Road). Requirement for perimeter planting and amenity space, seem to have been sacrificed for more housing, which will have more of an environmental effect in terms of visual impact, increased traffic and surface water discharge. Capacity of Mo3 (Ardnagrask, Corrie Road) has been increased by almost 132% from 22 in the adopted Local Plan to 51. Also question the contribution of allocations MO4 and MO5 to the supply of effective housing land. In view of the above we now seek the re-inclusion of land at Balvaird Road, previously indicated as H7 in the MIR. Even if it is the medium to longer term before the development can commence the land should at least be allocated in line with allocations at Nairn South (NA9) and Tore (TR2). We also suggest that the site capacities for MO2 and 3 be reviewed.

3A Partnership Ltd (01034) - Object to the omission of land at Balvaird Road on the north eastern flank of Muir of Ord from the Proposed Plan. Our client, the 3A Partnership, owns land forming part of Site Option H7 in the Main Issues Report (MIR). This land is also currently allocated for development in the adopted Ross & Cromarty East Local Plan (R&CELP), as part of the site referenced 8. The rest of site 8 is owned by a Mr Cameron and adjoining this land to the north is a longer term area ref 17, owned by another client, Mr James Sutherland. Earlier this year the 3A Partnership sought to obtain planning permission for a development of 13 houses on part of the current allocation. This application (ref. no. 13/02423/FUL) was refused on the grounds that it did not provide a master plan developed in partnership with adjacent landowners together with the lack of a suitable safe access and a disproportionately high density relative to the remaining land. A separate direct access to the 3A Partnership land from Balvaird Road formed part of the planning application, dictated mainly by ground site level differences between this and Mr Cameron's land. We were still in negotiations with the Council's Roads service when the Area Planning office decided to refuse permission under delegated powers. The preferred

single access to this and Mr Sutherland's land is also indicated on Mr Cameron's land holding. At the time it was not possible for the 3A Partnership to prepare an overall master plan in partnership with the adjacent land owners, particularly as Mr Cameron does not wish to see his land developed. However, that is not to say that this situation will not change in future and therefore overcome the "difficulty" referred to by the Council. The density reason is now contradicted by the Council's intention to increase the capacity of sites MO2 and MO3.

J Sutherland (00677), 3A Partnership Ltd (01034) - Submissions to the MIR highlighted concerns about local road junctions in the centre of the village. Previous Local Plan Inquiry concluded that much of the road network is no better, or worse, than many local roads in the surrounding area. The RACELP made provision for the improvement of Balvaird Road as a requirement for sites 8 and 17, possibly including road widening, street lighting and traffic calming. Some improvements have been carried out in recent years in relation to the development of other land served by Balvaird Road.

The MIR response highlighted scope to bring forward improvements to the junction to increase its capacity, some of which are planned to proceed with the refurbishment of the railway bridge. These latter improvements suggest a slightly longer timescale for development at Balvaird Road. Alternative means of access to clients land through the adjacent developed areas served by Chapelton Place and Balvaird Terrace to the south west have site level differences, tree cover and ownership issues making that option expensive and would also see traffic finding its way down to the Balvaird/Seaforth/Great North Roads junction.

A development timescale to follow sites MO1 to 4 will allow further time to seek the co-operation of all the landowners involved to prepare the overall master plan and explore all access options. Concerned that the present situation was given as the main reason for not allocating the land in the Proposed Plan. There are a number of other land allocations continued into the Plan where their effectiveness depends on more than one party to bring forward master plans in advance of development and where not all the parties are in agreement to participate. This includes, for example, land at Tain (TN5) and Maryburgh (MB1) and challenge whether not having the co-operation of all land owners is a valid reason for removing the allocation from the development plan. It is more important to prepare an overall master plan and assemble enough land to allow a satisfactory permission to be granted and implemented.

Note that the non-inclusion of this site for longer term there is a recognition of development in the north of the village this is not carried through as is the instance in other settlements such as at Nairn (NA9) and Tore (TR2), suggesting a lack of consistency across the Plan area. In rejecting the allocation of other land around the fringes of the village the Council stated that "there is sufficient housing land identified in Muir of Ord on sites which will have less of an environmental affect", however, note that the introduction of site capacity figures has doubled the potential development for some of the sites carried forward from the adopted Local Plan, which could result in more environmental effects.

Chapelton Farm

Hamish Leslie (04447) - Object to the omission of land at Chapelton Farm on the northern edge of Muir of Ord from the Proposed Plan. Our client owns Site Options H4 (Chapelton East) and H9 (Chapelton West) in the Main Issues Report (MIR).

The Council's response on Chapelton West following our submission on the MIR was generally positive and concludes that there is longer term development potential (paragraph 4.74 of the Proposed Plan refers). These sites have been rejected and not followed through with at least a "longer term" allocation similar to land at Nairn (NA9) and Tore (TR2), suggesting a lack of consistency across the Plan area.

Chapelton East Comments made on the MIR against the allocation of land at Chapelton are over-stated and many of the Council's responses confirm this. We provide further information in the form of general appraisals of drainage, flood risk, woodland and protected species as further justification for allocating land at Chapelton for housing in the Plan, incorporating the Council's previously stated views where appropriate. . [Drainage Impact Assessment, Woodland and Protected species appraisals supplied, 04447 MO GEN1] [Framework Plans supplied, 04447 MO GEN2]

Rejecting the allocation of land at Chapelton the Council stated that "there is sufficient housing land identified in Muir of Ord on sites which will have less of an environmental affect." We note that the introduction of site capacity figures has doubled the potential development for some of the sites carried forward from the adopted Local Plan, which could result in more environmental effects.

Furthermore, the Plan seeks to add development land to the already high density cluster of housing at the Cairns, which is distant from the main village facilities and services.

Responses for Chapelton East (H4) - south of the farm buildings are dealt with in detail on the attached documents, however in brief

Geological feature is acknowledged on the site but these are not covered by a designation. At that time of the previous PLI the Reporter and the Council rejected it for the principal reason that there was no shortage of housing land, with the Council stating that, subject to suitable access from the A862 road, a "designation may be possible at some future stage under a subsequent local plan review".

Gateway to the village The matter of this site forming a "green gateway" to the north approach to the village and whether development is likely to lead to a change in the visual amenity could equally apply to any land on any approach to any settlement.

Connections to village centre, site is closer than the existing and proposed housing at and to the south of the Cairns. A footpath connection to the village centre and safer routes to school can be provided.

No Flood Risk Assessment (FRA) is required by SEPA as it is not within the 1 in 200 year indicative flood risk area. Nevertheless a Level 1 FRA has been carried out to examine the potential for pluvial flooding. This indicates ponding of water on this and nearby fields due to poor ground percolation. Proposals for development of the site will require flow routes off the site and storage of excess water on site. A gravity connection can be made to the existing foul drainage network across the A862 to the west

Road Safety and Access; suitable access solution can be delivered and a bus service passes the site and provision for bus layby/stop provision can be met.

Natural Heritage; woodland appraisal and an assessment of the presence/absence of protected species has been carried out the area comprise entirely of permanent pasture

and there are no trees located within the boundaries. Development would need setback from trees along the south eastern and southern boundaries. The areas of steep slopes of the glacial deposits may be difficult to develop without major re-contouring of the land; there are some level areas adjacent to the railway that could support a limited form of residential development.

Chapelton West (H9) – west of the farm buildings and A862 road.

Gateway to the village The matter of this site forming a “green gateway” to the north approach to the village and whether development is likely to lead to a change in the visual amenity could equally apply to any land on any approach to any settlement.

Connections to village centre, site is closer than the existing and proposed housing at and to the south of the Cairns. A footpath connection to the village centre and safer routes to school can be provided.

Flood Risk and Drainage - Land is not within the 1 in 200 year indicative flood risk area nevertheless a Level 1 Assessment examined the potential for pluvial flooding. In general no signs of flood risk were identified and the site is adequately drained, some small low lying areas of the site are unable to drain giving rise to localised damp areas during heavy rainfall periods. Future housing development will increase the runoff from roads and roofs, the existing site drainage ditches will be able to cope.

Foul sewage can be accommodated via a connection to the existing network but some pumping may be required from any lower western areas identified for development.

Road Safety and Access - suitable access solution including provision of appropriate levels of visibility would be addressed by a developer, potential to extend the 30mph zone and introduce village gateway traffic calming features. Bus service passes the site and requirement for bus layby/stop provision can be met on the site frontage.

Impact on Private Interests - Loss of or impacts upon a view from another property are not material planning considerations and impacts will be assessed in terms of amenity on existing residents. Legal right of access to allow servicing of a soakaway and emptying of a septic tank and the Wards sewage pumping station will be maintained.

Development of Settlement and Landscape and Visual Impact Potential for “coalescence with existing housing groups to the north” is questionable in view of physical features and the fact that two houses on the west side of the A862 road and the third on the east side of the road are relatively far apart. Concerns about the “relationship of layout and siting to adjoining buildings, spaces and views” and the “inconsistency of proposed houses with the existing building line” are not relevant at this time. A minimum of 25% of the houses should be ‘affordable’. In any event, these are all matters of detail for a planning application.

Natural Heritage - General woodland appraisal and an assessment of the presence/absence of protected species confirmed an Inventory (Semi-Natural and Ancient) Woodland designation over the south western half of the site and its potential for wildlife habitats with the presence of water voles the most significant issue. Development would retain the woodland and observing adequate holdbacks, helping integrate development into the landscape and maintain local amenity and offers informal access to the area and path connections.

Constraints – Setback of buildings from the 11 kv (high voltage) overhead power line through the site, alternatively, SSE advise undergrounding is relatively straightforward to achieve.

Green Network - Land is not formally identified as part of the green network the land being in tenancy and not generally available for wider public access, with limited evidence of use by the public, it is incorrect to say that the green network would be altered. Development would bring wider benefits to the community through “enhancing opportunities to access the outdoors and coming into contact with nature and natural environments.”

Black Isle Road North

Mackay, Robertson & Fraser Partnership (00962) - Objects to non-inclusion of development site. Scottish Planning Policy (para 73) states that Local Development Plans should identify a range of sites which are effective or capable of becoming effective to meet the strategic requirement up to year 10 (from date of adoption), and should also provide an indication of the possible scale and location of housing up to year 20.

Muir of Ord forms part of the Ross-Shire growth area (Map 6) with good accessibility to Inverness, Dingwall and further afield via a range of modes of transport. Accept sufficient opportunities for the short term, do not accept future areas for growth to the south and north of the settlement (as stated at Para 4.74). Consider that area north of the Black Isle Road offers a better location relating to the school, shops and train station than others identified north and particularly south of the settlement. Offers opportunity to form a public park and improvements to the existing junction arrangement to the east and form a logical rounding off of the settlement.

Consider that Muir of Ord will continue to require future development allocations in future LDP's and identification of growth potential in line with SPP. Submitted site was not “preferred” in the Main Issues Report, “pro's” identified close proximity to centre and Primary School, “cons”; were expansion away from centre and loss of open space. Proposals did not seek the loss of open space, rather to be retained and enhanced, have submitted an example of how another Local Authority has taken this approach and would support the use of this in this instance. [Site Plan & Development Plan example supplied, 00962 MO-GEN3]

Tomich House

Muir Homes (01229) - Seeks allocation of land at Tomich House, Muir of Ord for up to 4 live/work residential units. Development to be restricted to the existing clearing in the central section of the site retaining the existing woodland and its contribution to the character/amenity of the surrounding area. [Location and boundary plan supplied, 01229 MO-GEN4]

No provision exists within IMFLDP and fails to address housing need in the live/work sector. Highland-wide LDP (Policies 35 and 36), the emerging Inner Moray Firth Local Development Plan, and Housing in the Countryside and Siting and Design Supplementary Guidance (March 2013) has a general approach to “presume against housing in the open countryside of the hinterlands around towns as defined on the Proposals Map”; this would prevent beneficial live/work units in accessible locations.

Nationally Scottish Government is committed to increasing the supply of new homes and for the planning system to assist this process by identifying a generous supply of land for the provision of the full range of housing needs across all tenures and the promotion of economic activity and diversification in all small towns and rural areas, not simply based on somewhat arbitrary geographical distances/zones. The Highland Council present approach focuses on existing settlements with an inflexible approach for areas outwith. SPP para 94 requires that Development Plans “.should support more opportunities for small scale housing in rural areas...” Live/work (home-work) units are considered a particular opportunity to deliver a form of sustainable development.

The approach proposed by Muir Homes Limited requires an additional degree of flexibility which may be addressed by specific land allocations within the plan and/or a criteria based policy framework setting out an assessment methodology for proposals through the Development Management process. In all cases it is envisaged that additional development within the hinterland around towns area would be small scale (not more than 3 to 4 units), easily accessible in all respects (access to the site/local services etc.), and contained/absorbed within a landscape context in order to protect the visual amenity/integrity of the rural environment.

The identified site at Tomich House (refer attached plan) lies immediately to the south of Muir of Ord (opposite Windhill) and directly adjacent to and accessed from the A862. It is within an area generally punctuated/characterised by development outwith the defined settlement boundary albeit the site is almost entirely, if not fully, obscured from public view by established landscaping and retained existing trees. Accessibility to A862 and services at Muir of Ord combine to provide a location for an unmet demand for housing/business development opportunity in accordance with Scottish Planning Policy while having no conflict with the underlying vision, spatial strategy, aims and objectives of the emerging local development plan.

New site not previously considered

Corrie Road

Archaeo-Environment Ltd (04505) - Seeks inclusion of site along Corrie Road. [Site Location Plan supplied, 04505 MO GEN5] The area wish to be included within the settlement development area is located on the west side of Muir of Ord. on the Corrie Road at NH 52057 49585 (centred). It is immediately outside the area identified in the Development Plan for expansion and is 4.66 hectares of former commercial woodland (now felled) and between the existing housing at Croc na Boull, Ardnagrask Mains, Rowan Cottage and The Policies – all of which is existing residential development. Site is well served by public transport and nearby access to the station and buses by foot or cycle with links to the airport and wider rail network. Also close to the village amenities, any small scale development would be of low environmental impact and introduce more local economic activity in the village and assist in revival of village centre.

Proposal would promote a positive and innovative approach to masterplanning contributing towards reduction in the need to travel, encouraging people to walk, cycle or use public transport, increasing healthy lifestyles, opportunities for quality open space provision and access to enjoy the outdoors whilst protecting and enhancing the green network. Seek to deliver development that would create a higher beneficial economic impact by seeking to target a higher spending element of the community to contrast with the relatively lower cost accommodation that is currently being built on the west side of the

village at Broomhill. Like site considered as a transitional development area which combines low density high quality development that creates a transitional character area between the village and the more sparsely developed hinterland.

MO1 Broomhill

Charles Ridloch (04182) - Object to any new housing being built at the Broomhill area of Muir of Ord. The golf course has already spent considerable sums of money correcting drainage problems, and any new housing development adjacent to the golf course will increase this problem.

John D Murrie (01182) - Extent of site does not match approved site boundary (08/00140) and as a consequence may increase building already proposed. Wet land area to north of site should no longer form part of area scheduled for housing development. Open ditch drainage and bank forming activity breached planning approval within wet land. Any further development to MO1 may result in further local flooding and already drainage provision have compromised existing drainage arrangements, also the existing wetland was to be retained has now been drained to a SUDS pond. Seek assurance that no further permissions will be granted that allow further increases in drainage to my land. Area to south-west forms part of housing approval not open space. [Photographs and drawings supplied, 01182 MO1]

MO2 Tore Road

Duncan Chisholm (03969) - Objects to inclusion of site proposals have been continually objected to by Community Assoc, Community Council and members of the public based on safety, road safety, over-development of the village, previous history of lack of industry and morals by the developer.

Highland Small Communities Housing Trust (04381) - Considers that the rectangular area to the South of Lilyloch, with access through the existing development, should be allocated for housing. Allocation would allow for early development of a village centre site, possibly as housing for the elderly.

J Sutherland (00677), Hamish Leslie (04447) - Suggest that the site capacities for MO2 and 3 be reviewed.

MO3 Ardnagrask, Corrie Road

Kate Malecha (04305), Fiona Barclay (04012) - Object to the housing development proposed at site MO3. Road is inadequate for the current volume of traffic let alone any increase, single track country road with frequent pot holes and no proper drainage system. Evidenced by a warning notice, in place for last 7 years, stating "Temporary Road Surface"; Run off from the road and fields is directed into our garden resulting in flooding and regular destruction of our paths and plants.

The raised area with gorse bushes and trees is a link route for wildlife between wooded areas, development in such huge numbers would endanger this. If to be developed the road needs to be upgraded and issues outlined resolved also the development would need to be much smaller (around 20 houses) and sited well away from the wildlife link route which should be protected at all costs.

Moira Forsyth (04121), JB McK Black (04524) - Objects to the allocation of such a large housing development and difficult to see where the demand is for so many new proposed houses. Broomhill development is far from complete, and building has stopped there for more than two years. The town centre has a number of properties which are neglected and empty. The site is frequently flooded and it would in any case create a significant alteration to the rural nature of this neighbourhood. Access from Corrie Road would increase traffic noise and disturbance from lights destroying the open nature of this semi-rural area; would be out of scale with the surrounding countryside and would mean a considerable loss of peace and privacy.

Sue Mullins (04137) - Objects to the proposed development for 51 houses in the field below Ardnagrask. Concerned as to the impact this proposed development. Corrie Road has a semi rural aspect which would be completely lost to development; additional traffic with increased noise and pollution, this road is barely two way so a reduction in safety for users; as yet there has been no improvement to the infrastructure and facilities for current residents of Muir of Ord, despite previous housing developments; the development will visually impact on this area with loss of precious green space and also privacy for existing residents; potential for further drainage/flooding problems.

D Kemp (04149) - Objects to development at Ardnagrask MO3, development would have a severe impact on the landscape/wildlife of this natural environment; levels of services and facilities to cater for such an increase in housing; character and social balance of the community would be severely affected; proposed housing is not similar in sense of spacing, scale and density to others in the area; Corrie Road is completely unsuitable for this quantity of traffic there would also be road safety issues, fumes and noise impacting on current residents adversely affecting joggers, walkers, cyclists and the environment and wildlife. The Golf Course would be severely affected by the close proximity of the development; it needs to be protected at all costs. Green space needs to be protected and the amenity value that benefits locals and the wider community

Some areas, the Report states, 'are being protected and enhanced with only appropriate materials allowed and only specialist housing (not mainstream) suitable for an aging population being permitted', perhaps this would be an alternative for Muir of Ord in a more appropriate location, unfortunately, the creation of an undesirable precedent, as stated in your Report, seems to be happening in Muir-of-Ord!

Ian MacGruer (04289) - Objects to loss of amenity, flooding, increased accident risk on an already dangerous single track road, addition traffic to add to bottleneck at the bridge. Essentially though it is about allowing our precious countryside, truly green belt, to be eaten up so rapaciously.

David Paterson (04334) - Objects to allocation and is aware that the dangers to both the building i.e. slates, tiles, windows etc. and to adults and children and animals in the gardens if they are struck by a miss it golf shot. This could lead to liability problems for both the golf club and golfers and even those who permitted the development to take place. It engenders bad feelings between the occupier and the golf club and can lead to serious litigation problems.

Brian & Konia Copland (04480) - Object to the allocation of 51 houses at Ardnagrask. Existing residents moved here because of the semi-rural nature of the area, development would transform neighbourhood, proposal is a much higher density. Proposals will create a nightmarish carbuncle on the landscape. Corrie Road is an unclassified and unsuitable

road to take any more traffic, highlighted by the additional traffic generated by the Beauty Denny Electricity Line Construction. Additional traffic from 51 houses would cause unacceptable visual disturbance due to car lights at night, compromising pedestrian safety, noise increases from traffic more people living in close proximity. Site is very wet and surrounding areas are prone to flooding.

Clunie Conochie (04487) - Objects to allocation MO3, concerned about the impact the development on the area. Currently the site is situated on the edge of the village and greatly enjoyed by many in the village for walking, cycling and running and trees in the area which would be developed. This open aspect will be lost for all who currently enjoy it: residents, walkers, runners and cyclists. Greenfield land should not be developed when housing in the High Street is being allowed to crumble. Acknowledge that this does equal the same amount of housing but it does all come down to amenity. Appreciate the need for housing a reduced scale would mean much of the rural nature of the area can be retained.

Donella Macgruer (04520) - Objects to the proposals on grounds of increased traffic, and related safety.

JB McK Black (04524) - Voice concerns regarding flooding from run-off from development and additionally presence of nesting buzzards in stand of Scots Pine which have successfully raised chicks and also the Red Kits nesting and foraging locally.

J Sutherland (00677), Hamish Leslie (04447) - Suggest that the site capacities for MO2 and 3 be reviewed.

Impact on Golf Course

David Scrimgeour, Muir of Ord Golf Club (04159), Bert Nicholson (04160), Rennie Design Golf & Landscape Architects (04351), Ian Morrison, Muir of Ord Golf Club (01497), Neil Strachan Muir of Ord Golf Club (04375), Alick & Doreen Polson (04363) - Concerned with the housing proposal for the following reasons: the golf club has invested a significant sum of money rectifying drainage problems throughout the course but particularly on the 11th fairway which is adjacent to the proposed development. Given the topography and proximity of the site to the course, how will the Council and any developer ensure the golf course are not subjected to increased risk of flooding and /or drainage problems re-occurring or indeed worsening? How will the golf club and individual golfers be protected against the increased possibility and cost of litigation should any damage occur to persons or property within a new housing development at this location? Industry standard Golf Design Health and Safety parameters should be adopted and taken into consideration, normally including a 60 metres gap from the centre of the fairway to any proposed development and who will bear responsibility for the cost of any remedial work required to rectify either, or both, of these issues? [04351 MO3 Development setback diagram/map] The golf club is slowly becoming land locked by housing; if the club ever wish to expand this would be an ideal site.

Density of housing seems over ambitious when taking the local build fabric into consideration. If you look at an aerial image (gmaps), the existing 12-15 private houses adjacent to the site would potentially fill the whole site if superimposed onto the proposed area. Is this the correct location to adopt another high density Cairns style development? The topography of the site runs towards the golf course, creating a hydrological issue and sewage connection issue. There would be a visual impact for existing home owners and additional noise from the road would be created. An existing green corridor would become

urban sprawl which would in turn create a precedent for further expansion of development in the rural landscape in the future. Corrie Road is mostly single track with only the first mile or so from the village being two lanes.

Donald Forbes (04178) - Golf Clubs throughout the Highland Area have been badly hampered by planning and development decisions. To make the proposal acceptable the reduced density of the development and the areas of hard development relative to the site area. The provision of a two lane road up Corrie Road. The provision of a ball fence along the whole length of Muir of Ord golf club provided by the developer to safeguard golf club members from the householders for damage to their person and property caused by wayward balls. Provide surface water drainage so that the golf club sub terrain does not get more saturated than it is at present.

Ian MacGruer (04289) - The golf club is likely to lose its 11th hole because of inevitable health and safety complaints from the houses adjacent. No other land available to build a replacement because it is already hemmed in by houses that have been allowed to proliferate on all sides.

Muir Of Ord Community Council (04201) - M03 is new to this version of the IMFLDP - this is our first chance to comment on this particular site. This site is the lowest point in the surrounding area and acts as drainage for a significant volume of water from the catchment above. This then runs through/adjacent to the Golf Course - who have had to invest significant amounts of money in recent years in additional drainage following recent other developments affecting drainage from this area. If this site were to be included then appropriate mitigation/additional drainage may be required as a planning condition on any development.

MO4 Ord Hill

John Sehar (04017) - Objects to continued development at this site having bought a home from this developer in March 2010, at this time we were told that the containers would be removed from our view. No lighting has been provided outside our property. The roads in the development have not been completed with grates still projecting from the road 3 years after occupation.

Scottish Environment Protection Agency (00523) - Object unless the site has a developer requirement for a Flood Risk Assessment to be undertaken. This in order to ensure any prospective developers are full informed that the site is at flood risk and that the developable area may be affected.

John D Murrie (01182) - Drainage from development has caused flood and drainage damage to my holdings to the north of this site reducing productivity. Site has never been suitable for housing development.

J Sutherland (00677) - Question the contribution of allocations MO4 and MO5 to the supply of effective housing land.

MO5 Land to South of The Cairns

Anne Ross (04102) - Concerned about the two proposed developments MO5 and MO6. As a resident of Windhill consider the road is already very dangerous without the addition of at least 60 new homes. Access to Windill, through right hand turn onto the main road

due to the speed and frequency of traffic. Schoolchildren waiting for buses take their life in their hands every day trying to cross the road, especially in darker nights and mornings. Accidents occur regularly on this bend including two cars landing in my next door neighbours garden, additional traffic will exacerbate the difficulties of living here. There are other sites which could be utilised for housing apart from this MO5 which is so close to the already very busy main road? Is there evidence of demand for the housing and the commercial aspects?

William Dingwall (04107) - Objects to further development in the Muir of Ord area will compound existing traffic congestion on the A862 route. Would like to have the development Allocation M05 removed from the Proposed Plan on safety grounds due to the development being adjacent to a SEPA regulated site.

The proposed development at M05 proposes a pedestrian crossing in an unsuitable position which does not address the problem we as locals have with traffic on the A862 at the Wyndhill/Windhill crossroads, an alternative location. At present the pick up and drop off points for school and public service buses is at the Wyndhill/Windhill crossroads. A traffic light controlled pedestrian crossing at this position would be a much needed, safer system for school children, pedestrians and cyclists crossing the road. It would also improve access for vehicles joining the A862 from the side roads. In addition I suggest that a new footpath is incorporated from the M05 development to join the existing footpath from Windhill to Beauly

Iain Elliot Limited (04111) - Supports allocation subject to a minor modification of the site boundary of Proposal MO5 "Land to South of The Cairns". [Representation to IMFLDP supplied, 04111 MO5-2] A detailed review of land titles of the landowners presents the most accurate extent of land in their control. Pre-application consultation has been undertaken with the Highland Council and the community and a planning application lodged on the basis of support for the site in the Main Issues Report. Subsequent work has considered issues such as; avoidance of coalescence with Windhill; preservation in situ of the Windhill Standing Stone scheduled monument; retail impact on the settlement centre; protected species and designated sites; provision of off-road footpath/cycle way for safe route to school and village access; affordable housing; enhancement of the village boundary/gateway. [Processing Agreement supplied, 04111 MO5-1]

Expresses support for the Council's allocation of MO5 for mixed use development. Submission explains and justifies the applicant's approach to site layout and design in so far as compatible uses; which includes the provision of the developer requirements listed in Proposal MO5. [Site Layout supplied, 04111 MO5-3]

J Sutherland (00677) - Question the contribution of allocations MO4 and MO5 to the supply of effective housing land.

MO6 Muir of Ord Industrial Estate Expansion

Edward Rush (04006) - Concerned that the proposed map for Muir of Ord (MO6) appears to indicate that the unnamed track which extends beyond my house is blocked by the development. This road is used daily by many as a walking and running route and access to local houses and should not be increased. All access points to the estate should come from the Black Isle Showground. Creation of a new route for unhindered access to the site will be required.

Some existing sites are in an untidy condition; new proposals should ensure the place is kept tidy. The current condition of some of them has a visual impact on the local environment with rubbish blown towards my property. And would not wish to see further expansion increase the problem. Noise from construction of new units can be intolerable, provisions should be in place to curtail noise impact during construction, provision of privacy screening and limitations on working hours and noise generated.

Anne Ross (04102) - The site at MO6 also concerns me. Again, this will increase the level of traffic in the area, including large vehicles. According to the plans, the site will also cut out a path which is very popular with walkers and cyclists and leads to one of Highland Councils core path networks route. I think that that is unacceptable. If the development must go ahead, at least leave pedestrian access to he network of existing paths.

David Smart (04371) - Seeks inclusion of requirement to address environmental impact, noise reduction, and visual impact. Stronger belt of trees would withstand stronger winds
Concerns regarding environmental impact and noise disturbance to residential property.

Anne Ross (04102) - Concerned about the two proposed developments MO5 and MO6. As a resident of Windhill consider the road is already very dangerous without the addition of at least 60 new homes. Access to Windill, through right hand turn onto the main road due to the speed and frequency of traffic. Schoolchilden waiting for buses take their life in their hands every day trying to cross the road, especially in darker nights and mornings. Accidents occur regularly on this bend including two cars landing in my next door neighbours garden, additional traffic will exacerbate the difficulties of living here. There are other sites which could be utilised for housing apart from this MO5 which is so close to the already very busy main road? Is there evidence of demand for the commercial aspects? Site at MO6 concerns me, will increase the level of traffic in the area, including large vehicles. The plans suggest the site will also cut out a path which is very popular with walkers and cyclists leading to one of Highland Councils core path networks route which is unacceptable. And should leave pedestrian access to the network of existing paths.

Modifications sought by those submitting representations:

General

Muir Homes (01229) - Allocation of additional site at Tomich House

John D Murrie (04552) - Seeks inclusion in Plan of specific reference for future Drainage Impact Assessment or SUDS Appraisal should include and have regard for the full extent of the agricultural drainage ditch.

Mackay, Robertson & Fraser Partnership (00962) - Identification of a “future area for growth” east of Muir of Ord, north of Black Isle Road for development in future plan periods, in particular MIR site MU4.

J Sutherland (00677) - Allocate land at Balvaird Road for housing; 5.5 ha and capacity of 90 and include requirements from the Ross & Cromarty East Local Plan in respect of the need for a master plan, improved access and contributions to improving village facilities.

Scottish Water (00396) - Request amendment to Para 4.75 after semicolon to read: "Whilst sufficient capacity currently exists at Assynt Water Treatment Works and Muir of Ord Waste Water Treatment Works, the cumulative impact of all proposed development within the plan makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."

Archaeo-Environment Ltd (04505) - Seeks inclusion of new site within Plan

Robert Grant (00860) - Seeks provision of further information relating to services and infrastructure.

3A Partnership Ltd (01034) - Allocate land at Balvaird Road for housing; 5.5 ha and capacity of 90 and include requirements from the Ross & Cromarty East Local Plan in respect of the need for a master plan, improved access and contributions to improving village facilities.

Robert Grant (00860) - Seeks provision of further information relating to services and infrastructure.

Hamish Leslie (04447) - Inclusion of 2 development sites at Chapelton (east and west). 1. Allocate land at Chapelton Farm as follows: - (a) To the west of the farm buildings and A862 road, for housing on 2.7. ha. with a capacity of 30-35 houses and an informal woodland park; (b) To the south of the farm buildings and east of the A862 road for a limited amount of housing on 0.5 ha with a capacity of 12 houses and open space for general amenity/informal recreation purposes. Requirements to include an overall master plan, woodland and protected species surveys/ safeguarding and paths; road access, bus lay-by and 'village gateway' feature; allowance for partial undergrounding of power line; Sustainable Urban Drainage plan. 2. Review the site capacities for MO2 and 3.

MO1 Broomhill

John D Murrie (01182) - Removal of wet land area to north of site and inclusion of missing land to south-west of allocation.

Charles Riddoch (04182) - Removal of any new housing development in the Broomhill area.

MO2 Tore Road

Highlands Small Communities Housing Trust (04381) - Inclusion of land to the south of the Lilyloch for housing development.

Duncan Chisholm (03969) - Deletion of site from Plan.

MO3 Ardnagrask, Corrie Road

Kate Malecha (04305), Fiona Barclay (04012) - Removal of site for development or significant reduction in number of houses and also requirements for road and drainage improvements, also safeguarding of wildlife route.

Clunie Conochie (04487) - Removal of site MO3.

Donald Forbes (04178) - Seeks the reduced density of the development; provision of a two lane road up Corrie Road; provision of a ball fence along the whole length of Muir of Ord golf club and provision of adequate surface water drainage.

David Scrimgeour, Muir of Ord Golf Club (04159), Bert Nicholson (04160), Rennie Design Golf & Landscape Architects (04351), Ian Morrison, Muir of Ord Golf Club (01497), Neil Strachan Muir of Ord Golf Club (04375), Alick & Doreen Polson (04363) - Removal of allocation or reduction in number of houses in the proposed site to allow some landscaping along the boundary with the golf course.

David Paterson (04334) - Requirement for no house or garden to be built within range of a miss hit drive from the 11th tee.

Donella Macgruer (04520), JB McK Black (04524), Brian & Konia Copland (04480), Ian MacGruer (04289), Sue Mullins (04137), D Kemp (04149), Moira Forsyth (04121) - Removal of site from Plan.

Muir of Ord Community Council (04201) - Removal of site M03 or addition of reference to requirement for drainage mitigation measures as appropriate.

MO4 Ord Hill

John Sehar (04017) - Removal of site for development (assumed)

John D Murrie (01182) - Provision of drainage from MO1 and MO4 combine, then flow through overloaded ditch system or my land at east Highfield on route to Logie Burn, the first main water course. (assumed)

Scottish Environment Protection Agency (00523) - Inclusion of a developer requirement for a Flood Risk Assessment.

MO5 Land to South of The Cairns

Anne Ross (04102), William Dingwall (04107) - Removal of allocation M05 Plan.

Iain Elliot Limited (04111) - Seeks boundary amendment.

MO6 Muir of Ord Industrial Estate Expansion

David Smart (04371) - Requirement for retention of existing mature trees to the east of 2 Tomich, assurances that these will not be reduced to 25m. Expansion of 25m belt around development to 50m

Edward Rush (04006) - Seeks retention of access for existing properties, separate access to development and use of conditions to manage activities on site and provision of appropriate landscaping.

David Smart (04371) - Seeks requirement in Plan to specify hours of noise related activity during construction i.e. should not normally take place outwith 08.00 -19.00 Mon to Fri, 08.00 - 13.00 Sat. No Sunday or bank holiday working

Anne Ross (04102) - Removal of site MO6 from Plan. (assumed)

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

Robert Grant (00860) - Muir of Ord benefits from a rail halt in addition to a bus service offering a variety of travel times to both Dingwall and Inverness on the subsidised North Highland rail line. It is noted that there a number of shop and house vacancies in the centre of Muir of Ord, some of this caused by ownership issues and others as a reflection of current lack of demand. The Council will continue to support the identified retail core of Muir of Ord and assist in promoting its vitality and viability through the application of *Policy 1 Promoting and Protecting City and Town Centres* [CD6: Inner Moray Firth Proposed Local Development Plan, page 13] of the Plan. The Council is also seeking to return vacant homes to reuse through the Empty Homes Initiative.

The Council continues to consult health services during the consultation on all Local Development Plans to ensure that the opportunity is present for capital investment to accommodate growth in patient numbers. In relation to the location of the Police Station and Service Point, the service point has only recently moved to this location to share accommodation at the Police Station which has been in this location for many years. Although to the south of the core part of the settlement it is still readily accessible.

Infrastructure

New Rail bridge

Robert Grant (00860) - The Council is currently undertaking preparatory groundworks relating to diversion of existing service infrastructure; water and gas mains. A timetable for the completion of the bridge is not available but the intention is to commence construction early 2015.

Water and Waste Water Capacity

Scottish Water (00396) - In relation to comment from Scottish Water regarding the capacity of Assynt Water Treatment Works and Muir of Ord Waste Water Treatment Works to serve Muir of Ord, the Council agree with proposed change as it relates only to sentence structure and providing greater clarity, and can therefore be made as a non-notifiable modification.

Scale and Phasing of Growth

Jim & Maureen Thomson (00872) - Comments noted, the delivery of additional housing development alongside the opportunities being made available through the identification of mixed use and industrial development opportunities are aimed at delivering a balanced approach to the growth of the settlement. Overall development rates have capacity to deliver housing at a rate higher than indicated in the comment, however, the Council will seek to manage the wider rate of development across the settlement through phasing conditions.

*Drainage concerns**North of Muir of Ord*

John D Murrie (04552) - In relation to wider flooding issues, the wider hydrology of the area is complex with the drainage in this part of the village being heavily influenced by the presence of the network of Ord Lochans. Issues such as non-maintenance of drainage channels may also add to wider flood issues. Issues in relation to this should be taken up with the Council and SEPA. It may be appropriate to include reference to issues relating to drainage issues to the north and west of the settlement. If the Reporters feel it appropriate, then the Council would support inclusion of a reference to wider drainage issues in the Muir of Ord area.

*New sites previously considered**Balvaird Road*

J Sutherland (00677), 3A Partnership Ltd (01034) - In relation to the non-inclusion of land at Balvaird Road objections have been received from 2 of the 3 landowners that comprise the Main Issues Report (MIR) non-preferred allocation H7. The objectors seek the inclusion of the land as a long term allocation and to be allowed time to work with the remaining land owner to deliver a masterplan for the longer term delivery of the site. The MIR H7 [CD5: Inner Moray Firth Local Development Plan: Main Issues Report, pages 86-88] land is currently allocated in the existing [CD3: Ross and Cromarty East Local Plan (2007) pages 94-95, inset 27] as two parcels of land H8 and Strome and Expansion17(E17) Chapelton, with the identified uses being for primarily housing (H8) and potential for mixed uses on (E17). The Plan requires the delivery of a masterplan to guide the delivery of the site. A single vehicular access point was identified by the Council's TEC (Roads) Service as having the ability to serve the entire development. The access point identified provided the best opportunity to deliver the required standards to meet TEC guidelines.

The primary issue restricting the delivery of the wider land parcel is the inability to provide a suitable access to the wider site, with the access point identified in the RACELP being the control of the third landowner who does not wish to progress any development at this time.

A planning application lodged in 2013 by the 3A Partnership 3A Partnership Ltd (01034) sought to obtain planning permission for a development of 13 houses on part of the current allocation, to the south-west of the Council's preferred access point. This application was refused [THC MO Gen1, 13/02423/FUL, Refusal notice and layout] on the grounds that it did not provide a master plan developed in partnership with adjacent landowners together with the lack of a suitable safe access and a disproportionately high density relative to the remaining land. It is noted that the objector is continuing to negotiate with the Council to find an appropriate access solution. TEC Service, however, indicated that even if an adequate solution was presented to the Council this is likely to compromise the delivery of an access to serve the development wider area. The delivery of an access to serve the entire site is central to the wider allocation and this is unlikely at this point. While the Council acknowledge that there is a longer term potential for the site given the ownership access constraints that the land should not be allocated at this time. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a further allocation at

this stage in the Plan's process. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. This will allow the landowners time to work towards the delivery of the wider site.

In regard to wider points to the potential for the identification of longer term sites at Nairn South (NA9) and Tore (TR2), these sites are identified primarily to allow time for the delivery of significant pieces of infrastructure that will support their delivery. At Nairn South (NA9) development is largely dependant on a connection to the proposed A96 (T) to assist its delivery, Tore (T2) a significant investment in WWTW connections will be required to be delivered to serve the major growth of the settlement.

In respect of land at Tain (TN5), the majority landowner has managed to deliver a masterplan addressing all the necessary requirements for development and in Maryburgh (MB1) the land presents the only feasible development option for the development of the settlement. Land at Balvaird Road does not have any of the same consideration that would necessitate it's inclusion in the Plan at this time.

Comments regarding other allocated sites in Muir of Ord are addressed in respect of each individually below. Accordingly, the Council believes the site should not be included in the Plan.

Chapelton Farm

Hamish Leslie (04447)

Chapelton East (MIR site H4)

The objections relate to the non-inclusion of this land for housing development. The proposal submitted related to the allocation of the land for a small scale housing development. The site lies to the east of the A862 to the north of the village and is situated opposite an established housing development to the west of the A862 and immediately south of an equestrian business. The land lies outwith the settlement boundary established in the RACE LP. The objector considers that the site lies in closer proximity and services than other sites within the Plan and has no significant constraints to its development. The main issue for consideration is the potential impact on the local landscape that development of the site may have. In the objection to the site it is indicated that the geological feature that dominates the site has no natural heritage designation but acknowledge that development of the site would be difficult without major re-contouring although limited development may be possible adjacent the railway. Although the feature is not designated it is renowned locally and is appreciated locally for its fairly dramatic landform. The Council consider that there is no requirement for the development of this site. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Chapelton West (MIR site H9) – west of the farm buildings and A862 road.

The objections relate to the non-inclusion of this land for housing development. The comments relate to reasons given by the Council for the non-inclusion of the site. In relation to the primary reasons for non-inclusion of the site relate primarily to the association of the site to the main settlement.

Although the site is closer to some facilities than others identified in the Plan the location of the site is visually more removed from the settlement than other allocations with the

land separated from the settlement by woodland to the south. This does present a green gateway to the village and is distinct in that respect from other edge of settlement sites that are contained in the Plan.

The submission indicates two potential access points to the site which lies on a long shallow S-bend to the north of the site, the potential to provide and maintain adequate visibility on this stretch of road would need to be demonstrated. The extension of the 30mph limit would also form a requirement for the site. Although internal footpath connections to the Meadows housing development to the south the footpath would require widening towards the village along the A862. Impacting on the existing dry stone wall and trees adjacent the roadside. The section of the west portion of the site is listed in the Ancient Woodland Inventory (AWI) as Long-Established (of plantation origin) woodland. The location of the accesses to the site are shown to the north of the existing woodland (not AWI) which further serves to separate the site from any visual connection to the settlement. The draft indicative layout indicates development primarily on the north eastern portion of the site (phases 1, 2 & 3) with a 4th phase accessed through a break in the woodland. Given the required setback from existing woodland it is difficult to see much potential for development at phase 4 and also there are concerns about the impact of delivery of a road through the break in woodland. Concerns have been raised elsewhere in respect of the adequacy of drainage to the north of Muir of Ord and the impact of development in this location would require a thorough investigation of the hydrology of the site to ensure no detriment off-site. On balance and in consideration of the issues and the availability of more readily developable sites within Muir of Ord support cannot be given to this site. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Black Isle Road North

Mackay, Robertson & Fraser Partnership (00962) - The site lies in an area which is relatively close to the settlement centre and the community facilities, the provision of road improvements and active travel connections are key to the delivery of land served off Black Isle Road. Delivery of site MU2, lying to the south of this site has had difficulties in the provision of an adequate footpath to link along Black Isle Road to the centre of the settlement, this issue is currently investigating a possible remote footpath solution. The site to the north would face the same difficulties in improving pedestrian access on Black Isle Road, with no scope at present to extend current footpath widths. There are also concerns regarding the capacity of Black Isle Road to accommodate further development at present although improvements to the junction at the centre of the village to increase capacity, some of which are planned to proceed with the replacement of the railway bridge. The Council consider that the potential for the site lies in the longer term.

The site provides an opportunity to “round off” the development of the settlement by the landowner, it is considered that it could also open up further development potential to the north and lead to coalescence which does not already exist (either physical or visual) coalescence. There would be a need for the site to provide improvements of the B9169/A832 junction as sightlines are limited approaching the settlement.

The Council consider, however that further consideration of this site lies beyond the Plan period, given the adequacy of the existing effective land supply and the need to further assess the cumulative impact of this development on capacity of Black Isle Road and constraints on providing safe pedestrian access. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Tomich House

Muir Homes (01229) - The Council acknowledge the potential for the development of live/work residential units to provide opportunities in rural areas. The Plan does allocate a number of sites within existing settlement where this approach could be readily provided, such as the nearby site MO 5 Land to the south of the Cairns [CD6: Inner Moray Firth Proposed Local Development Plan pages 90-91] which has capacity to accommodate this form of development as could most the allocations in the Plan. The site location whilst not physically remote from the allocation boundary

The objector refers to the Housing in the Countryside policy approach [CD1: Highland-wide Local Development Plan, Policy 35, page 86] to development in the hinterland around towns and its restriction on live/work development opportunities. The policy approach in this respect does allow for the development of housing and business related housing development subject to applications meeting with criteria set out in the policy and related Housing in the Countryside and Siting and Design Supplementary Guidance (March 2013). [THC MO-Gen2, Housing in the Countryside and Siting and Design Guidance]

Access to the site is also an issue, whilst access is already available; the intensification of this would need to be assessed as would potential conflict with the southern access to Windhill, in an area that already has issues relating to traffic safety.

The Council do not consider that this site offers the potential for a housing/work market that cannot be provided within allocations contained in the Plan nor does it offer any locational need for the development specifically at this location. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

*New site not previously considered**Corrie Road*

Archaeo-Environment Ltd (04505) - The suggested site may have some planning merit but have been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

MO1 Broomhill

John D Murrie (01182), Charles Riddoch (04182) - This site already has planning permission [THC MO1 04-01153-OUTRC, Planning Permission] which has implemented

the first phase of development of 30 homes, and as such the principle of development has been firmly established. The site has a residual capacity of 90 homes to be developed, with a further phase anticipated to commence in the short term. Any localised flooding which is being experienced due to development on this site is an enforcement issue related to the planning application and can not be dealt with through the Local Development Plan process. The wetland area appears to still be in existence at last inspection. In regard to the retention of the lower part of the site as open space and SUDS pond as per the planning permission for the site should be reflected in the Plan. The current boundary of the site to be developed depicted in the Plan is incorrect and should be amended as a factual change.

MO2 Tore Road

Duncan Chisholm (03969), Highlands Small Communities Housing Trust (04381), J Sutherland (00677), Hamish Leslie (04447) - The site MO2 is an allocation that has been carried forward from the RACELP, where it was allocated for development towards the end of the Plan period which would allow development towards the year 2012. The landowner has sought to progress the development of the site but has met with difficulties in meeting access requirements in particular provision of a footpath connection to the centre of the settlement. The Community Council have expressed concerns over the level of development in the village in comment to this site and also in respect of the actual delivery of required infrastructure. The Council will control these issues through the conditions to any permission granted for the site; also conditions can control the speed of construction through proper phasing of the development linked to necessary infrastructure and service provision.

In respect for the request to include further land to the allocation the description of the area of land is vague and does not appear to have any support from the landowner and developer, and as such has not been considered at this late stage of the Plan process. The indicative density of development proposed at 16 dwellings per hectare does not appear excessive and will receive more detailed consideration through the planning application process [THC MO2 13-01170-PIP, Planning Application and Layout Plans]. Accordingly, the Council believes the allocation should be retained without modification.

MO3 Ardnagrask, Corrie Road

Kate Malecha (04305), Fiona Barclay (04012), Muir of Ord Community Council (04201), Ian MacGruer (04289), Donald Forbes (04178), Bert Nicholson (04160), Rennie Design Golf & Landscape Architects (04351), Ian Morrison, Muir of Ord Golf Club (01497), Neil Strachan Muir of Ord Golf Club (04375), Alick & Doreen Polson (04363), David Scrimgeour, Muir of Ord Golf Club (04159), Mr J Sutherland (00677), Mr Hamish Leslie (04447), JB McK Black (04524), Donella Macgruer (04520), Clunie Conochie (04487), Brian & Konia Copland (04480), David Paterson (04334), Ian MacGruer (04289), D Kemp (04149), Sue Mullins (04137), Moira Forsyth (04121) - Objections to the inclusion of this site relate to a number of issues; substandard access via Corrie Road; flooding concerns; loss of habitat and impact on wildlife as well as general concerns about the level of development proposed on the site and impact on the services for Muir of Ord. In addition the potential impact on the Golf Course has been highlighted in relation to surface water drainage and proximity of development to the course.

In relation to the standard of existing infrastructure serving the site, there is potential for improvements to Corrie Road to provide capacity for additional traffic both vehicular and

pedestrian. The principle of development in this area is established with a group of housing lying to the immediate north west of the site. Issues relating to loss of habitat and impact on wildlife can be addressed through habitat and species survey as required. Concerns relating to flood risk should also be addressed through the provision of SUDS on site to deal with issues relating to run-off affecting adjacent properties and the golf course. The density indicated within the Plan is higher than adjacent development but cannot be considered high, at approximately 10 dwellings per hectare, however the final capacity of the site should take into account all factors identified.

In regard to potential conflicts with the activities of Muir of Ord Golf Course, development should take account the presence of the fairway running along the south-eastern boundary of the site. In developing proposals for the site, the design, layout, boundary treatment and provision of an adequate setback should be considered. In respect of all these factors it may be appropriate to include further requirements for this site within the Plan content. If the Reporters feel that it would be appropriate then the Council would be content with the suggested additional developer requirements.

MO4 Ord Hill

John Sehar (04017), John D Murrie (01182), Scottish Environment Protection Agency (00523) - Comment received in relation to the requirement for a Flood Risk Assessment to support development the site already has benefit of planning permission [THC MO4, 05/00612/FULRC, Planning Permission]. which included the requirement for details of a sustainable urban drainage systems (SUDS) scheme to be submitted for approval of the Planning Authority in consultation with Scottish Environment Protection Agency, Scottish Water and the Roads Authority. The development site is currently delivering the last phase of the development and any enforcement issues will be pursued by the Council. The remainder of the site to be developed still however forms a part of the housing land supply for the settlement.

In relation to wider flooding issues, the wider hydrology of area of the area is complex with drainage in this part of the village being heavily influenced by the presence of the network of Ord Lochans. Issues such as non-maintenance of drainage channels may also add to wider flood issues. Issues in relation to this should be taken up with the Council and SEPA. Accordingly, the Council believes the allocation should be retained without modification.

MO5 Land to South of The Cairns

Anne Ross (04102), William Dingwall (04107), Iain Elliot Limited (04111), J Sutherland (00677) - This site is the subject of a pending application [THC MO5, 13/04534/PIP, Planning Application and Layout] for the development of Mixed use development comprising Class 4 (business/office), Class 1 (garden centre/horticultural retail), Class 9 (private and affordable houses), creation of formal and informal open space, footpaths and improved footway on the A862.

The main objection to the development of the site relates to traffic and pedestrian issues. The proximity of the site to the bend at Windhill and the increase of traffic raise safety concerns amongst objectors. The Plan identifies issues relating to traffic safety and requires that development proposals provide safer routes to school plan, which will identify improvements for pedestrian safety; the Plan also identifies the requirement to extend the speed limit to decrease traffic speeds.

The provision of a suitable access to the site can accommodate road safety concerns through the access location being located to the north west end of the site. The Plan also seeks to safeguard the Windhill Standing Stone situated to the south east of the site.

In relation to concerns about proximity to the SGL Carbon plant, SEPA have indicated that there are many examples of sensitive development being permitted close to regulated processes that result in requirements for tighter and more expensive controls for the businesses concerned in order to avoid nuisance. The developments can also lead to long term complaints in relation to – for example – odour and noise. SEPA has advised that the developer engage in early discussions with SGL Carbon about the proposals to determine what affects it might have.

In response the comment relating to the requirement for further commercial and housing allocations. The Plan recognises that the centre of Muir of Ord has several vacancies and any proposals for retail will be assessed against Policy 1 Promoting and Protecting City and Town Centres [CD6: Inner Moray Firth Proposed Local Development Plan, page 13] as contained within the Plan. The availability of business/light industrial land in Muir of Ord is at a premium with the industrial estate having little or no remaining capacity and this allocation will deliver further capacity for delivery of local business.

The housing element of the site offers the potential to consolidate recent development to the north and provide for an element of choice within the community. Subject to the requirements set out in the Plan the allocation is seen as able to provide an effective contribution to the housing land supply. Accordingly, the Council believes the allocation should be retained without modification.

MO6 Muir of Ord Industrial Estate Expansion

Edward Rush (04006), Anne Ross (04102), David Smart (04371) - Concerns relating to the identification of the site relate primarily to access issues. In respect of concerns relating to the increased traffic levels and road safety particularly in the relation to pedestrian access at Windhill. The potential to expand the industrial estate lies to the west of the B9169 on land currently in woodland plantation. Access provision to the site would be through a new access from the B9169 or through the existing industrial estate. Impacts on the wider road network may require being the subject of a Transport Assessment as well as the need to provide footpath connection towards Muir of Ord. The allocation does not intend to remove or block any existing access points already in existence.

The availability of business/light industrial land in Muir of Ord is at a premium with the industrial estate having little or no remaining capacity and this allocation will deliver further capacity for delivery of local business. Issues relating to the condition of sites are generally not planning issues. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. The council agree with Scottish Water's request for a modification to the plan to clarify the need for developer consultations with them on water and sewage disposal capacity. I see no reason to disagree.

2. The issue of drainage is also raised with respect to water runoff/ discharge into agricultural drainage ditches north of the village with a request for the need for any Sustainable Urban Drainage Scheme (SUDS) appraisal to take this into account. As the council's explanation makes clear this is a matter best directly explored with the council and the Scottish Environment Protection Agency rather than explicitly noted in the plan. Although the council are prepared to accept a reference in the plan to the complex drainage in the Muir of Ord neighbourhood due to the presence of the network of Ord lochans I consider this should be adequately addressed as part of a normal SUDS appraisal.

3. Representation (00860) seeks reference to transport, bus provision, surgery capacity, and location of service point and police station, railway bridge replacement, shop vacancies and the rundown state of the centre of the village. Representation (00872) refers to the balancing of phased development with the necessary provision of improvements to the village centre. I note the explanations provided by the council and the detail where available of actions which are anticipated. These are however largely operational matters involving a range of council and other public services and remedial action would be through short term action or capital spending programmes. With the exception of reference to the need to improve the environment of the centre of the village and replacement of the railway bridge, matters noted in the plan text already, I do not consider that they are appropriate for inclusion in this section of the plan.

4. There are a number of representations requesting the re-inclusion of sites previously considered but rejected by the council for this local development plan. The land use allocations in this plan reflect the demand calculations and land supply conclusions in the Highland-wide Local Development Plan (HWLDP). It is already concluded as part of this examination that the land supply conclusions of the HWDP, which was adopted in 2012 remain appropriate to guide the requirement specified in this plan. Earlier in this examination report it is noted however that there is potentially a shortfall in housing land supply in the Mid Ross Housing Market Area. In current market conditions and in the context of a generous supply identified in other parts of the plan area this is not considered to require additional allocation. Those additional sites proposed for allocation for Muir of Ord, even in the context of a potential shortfall have a number of problems associated with their identification as part of the effective land supply

5. In particular I note the council's explanation as to the current position with respect to these additional sites. Whilst at Balvaird Road (00677 & 01034) I recognise that the problems of delivery in the context of multiple landownership, which presents difficulty with getting agreement to a masterplan, could be resolved in time, I cannot consider the site to be immediately effective. I note the council's reason for seeking a longer timescale for delivery of Nairn N9 and Tore TR2 regarding the need for enabling infrastructure to be in place. In each of these cases there was also a degree of co-operation in the preparation of a masterplan to guide future development.

6. With regard to Chapelton Farm and Chapelton West (04447) there appear to be significant physical obstacles whether landform features or ancient woodlands, or difficulties with access, which present a barrier to development. I therefore concur with the council that these sites cannot at this time be regarded as effective within the plan period.

7. Black Isle Road North (00962) presents difficulties of access at this time though I note that the council considers these may be resolved with replacement of the railway bridge. I

concur with the council that this places the site into a longer term category to be revisited when a review of the local development plan is called for. Similarly for Tomlich House (01229) the site has access difficulties which may be overcome in time but at present cast doubt on its availability within the plan period. I also note and agree with the council's view that there is scope for live and work housing on other sites in the vicinity. There is not therefore an imperative which would outweigh the other problems with the site. It is at this time not required to meet the necessary housing land supply.

8. Corrie Road (04505) is a site which has not previously been considered and has not therefore been subject to community consultation. Whilst, as the council acknowledge, it may be able to fulfil a role that would have to be tested through a planning application or await consideration at a local development plan review.

MO1 Broomhill

9. This site is the subject of a current planning permission which is being implemented for the first phase of 30 homes. I accept that the principle of development has already been established and that the site has capacity for the full 90 home allocation. I agree with the council that current drainage problems are a matter for enforcement and not an impediment to the allocation remaining in the plan.

MO2 Tore Road

10. One representation (03969) notes objection from the community regarding access, road safety, overdevelopment of the village and the morals of the developer. I note however that the site was in the former Ross and Cromarty Plan. Although beset with access problems I accept the council's explanation which assesses these as able to be overcome within the plan period. I also accept that a density of 16 houses/hectare is relatively low and should not result in problems of overdevelopment. Whilst the Highlands Small Communities Housing Trust proposal to extend the site may in time have some merit it is at this stage unclear how large this extension would be or whether it has the support of the landowner. I do not therefore support such a modification. Having regard to the above I conclude that site MO2 should remain in the plan unmodified.

MO3 Ardnagrask, Corrie Road

11. The land is adjacent to existing houses and backs on to the golf course. Concern is expressed in representations about the density of development, the problems of access from the narrow Corrie Road, drainage and the impact on the setting and operation of the golf course. I accept that all of these factors can be addressed at the detailed planning stage of the development. Some of them are however quite fundamental to the acceptability of the site for 50 houses. I note the council's contention that given the scale of proposed development, there is potential for improvements to Corrie Road, the possibility of a SUDS assessment and care needing to be taken to prevent conflict with the golf course. Whilst I agree that these are matters for a planning application I consider that it would provide greater clarity for the developer and reassurance for the community if these safeguards were noted in the site requirements. I therefore recommend a modification to that effect below.

MO4 Ord Hill

12. This site is subject to an extant planning permission and a SUDS drainage scheme.

It is in the process of delivering the last phase of development. Whilst I note the council's comment on the complex drainage of the area there is no convincing evidence that this cannot be resolved. I therefore support the retention of the site in the plan without modification.

MO5 Land to South of the Cairns

13. This is a substantial site on the southern approach to the village which offers the opportunity for homes, business and commercial activity. It lies across the road from the SGL Carbon Plant. The site is currently subject to a planning application. The principal concerns in representations are road safety and pedestrian access, proximity to the SGL Carbon Plant and whether such a large site for commerce and housing is required. I note the council's explanation with regard to the need for improved road safety and the reference in the plan for safer routes to school and the creation of a suitable access from the A832. Whilst SEPA indicate location close to the SGL Carbon plant would not necessarily prevent housing development they note the need for consultation between the developer and the operator of the regulated process across the street. I consider that this is a vital requirement which should be made clear in the plan requirements for the site. I consider the site could provide an effective contribution to the housing land supply set down in the HWLDP and conclude that it should remain in the plan.

MO6 Muir of Ord Industrial estate Expansion

14. The allocation is mainly to safeguard existing industrial land and make provision for an eastward expansion. It would mostly make use of existing access points or from the B9169 with respect to the expansion area. In either case planning permission for industrial activity on the expansion area would require a transport assessment and the need for provision of a footpath connection to the village. The transport assessment is a normal requirement for any significantly sized industrial activity and does not need to be specifically referred to in the plan text. There is already reference to the need for the footpath connection. I therefore consider that there should be no modification to the plan with respect to this site.

Reporter's recommendations:

It is recommended that:

1. paragraph 4.75 be modified by ending the sentence after the semicolon and following on with new sentence "Whilst sufficient capacity currently exists at Assynt Water treatment Works and Muir of Ord Waste Water Treatment Works, the cumulative impact of all proposed development within the plan makes it necessary for early engagement to take place between the developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development."
2. the requirements paragraph for site MO3 be deleted and replaced with the following: "Formation of suitable access along and from Corrie Road; provision of a path link from the site to the centre of the village; SUDS drainage assessment and a landscape plan management programme to reduce the impact of the site and eliminate conflict with the adjacent golf course."

3. the requirements text of Site MO5 be modified to add “The developer should consult SGL Carbon to consider any environmental implications arising from that industrial process.”

Issue 26	Tain	
Development plan reference:	(Para 4.76, Page 91)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Highland Housing Alliance (00202) Stuart Campbell (00264) The Royal Burgh of Tain Community Council (00322) Scottish Water (00396) Albyn Housing Society Ltd (00419) Scottish Environment Protection Agency (00523) Balnagown Estate (00964) BKB Property (01017)</p>	<p>Peter Reynolds (03984) Alison Taylor (04030) Nigel Jones (04037) Peter Cabrelli (04214) Tain & Easter Ross Civic Trust (04361) The Highlands Small Communities Housing Trust (04381) The Glenmorangie Company (04429) Patricia Toshney (04453)</p>	
Provision of the development plan to which the issue relates:	Tain	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Plan led development</i></p> <p>The Royal Burgh of Tain Community Council (00322) - The government, in Scottish planning Policy, wants development to be genuinely Plan led but that is unrealistic as even in Tain's very recent experience Lidl, Asda, Tesco, and Nigg prove it is and always will be Developer led. Therefore, the Local Plan should exist as a guide first and foremost, and never a strict set of rules.</p> <p><i>Plan content</i></p> <p>The Royal Burgh of Tain Community Council (00322) - The Tain section is an improvement on Local Plans that have gone before in that the zonings reflect actual planning permissions and not just undeliverable developments.</p> <p><i>New sites previously considered</i></p> <p>Stuart Campbell (00264) - St Vincents MIR MU4 - Objects to any potential development any potential for development around St. Vincent on existing farmland, development would also need infrastructure improvements on Viewfield which is unsuited to development.</p> <p>Balnagown Estate (00964) - MIR H6 - Scottish Planning Policy (para 73) states that Local Development Plans should identify a range of sites which are effective or capable of becoming effective to meet the strategic requirement up to year 10 (from date of</p>		

adoption), and should also provide an indication of the possible scale and location of housing up to year 20, to provide landowners, developers, infrastructure and service providers with certainty as to where future development is likely to occur.

Tain forms a fundamental part of the Ross-Shire growth area being one of the four principle town centres and the main town centre in close proximity to Nigg Fabrication Yard and the employment opportunities that are being promoted there. It is therefore reasonable to assume that it will remain a focal point for development in future LDP's and therefore future areas for growth should be identified in line with SPP. [00964, TN-GEN1, sample Development Plan approach]

Whilst this site was not "preferred" in the Main Issues Report, one of the significant "pros" was identified as being that it was "adjacent to existing active housing development". Tain has already expanded beyond the A9 and this no longer provides the defensible boundary to the settlement that it once did.

Land to the north west of Tain is far more visually exposed, and would have a more significant landscape and visual impact, and more divorced from services and facilities than land to the south of the A9. Also highlight the presence of the new supermarket to the south of Tain making this area more sustainable than a northern expansion.

Water Supply

Scottish Water (00396) - Suggests that amendment of text at para 4.83 would make it clear that there is existing capacity at Assynt Water Treatment Works and that a cumulative effect over time may require investment but does not present an issue currently.

Trunk Road improvements

The Royal Burgh of Tain Community Council (00322) - Road improvements are needed on the A9 (T) in the interests of road safety, to include roundabouts at the Morangie and Knockbreck junctions with speed limits restricted to 50 mph in-between. If the proposed 3-18 School Campus goes ahead at the Craighill site, and that then goes on to direct a southerly expansion of the town, practically located underpasses and/or pedestrian bridges will be essential, again in the interests of road safety.

Inclusion of open space

The Royal Burgh of Tain Community Council (00322) - The open space area at Tain Links should be extended to the other side of river and along the shore as far as The Plaids, so this land does not miss out on any potential amenity improvement projects. Also ask the area of land between the railway line and beach to be brought into the Settlement Development Area.

Town Centre

The Royal Burgh of Tain Community Council (00322), Patricia Toshney (04453) - There should be some mention of commitment to enhancement of the central fabric of the town, focussed on the Conservation Area, although the Council's Charrette application will be successful. Do not want the next Local Plan to be concentrating upon overdue policies of regeneration. Believe there is more need for businesses to be encouraged to come to Tain

to fill the already empty shops/units. There are already more than enough unemployment without more, Tain has gone from being a busy thriving town full of shops and businesses to having not a lot to offer, more time and effort should be put to bringing more to the heart/centre of Tain rather than building more houses.

Design Guidance

Tain & Easter Ross Civic Trust (04361) - Suggests a Pattern Book [Development Guide] for Tain as it is an important historic town and that the IMFLDP should recognise it as such. This guide should encourage a high standard of development setting out house types, a palette of materials; street widths etc. to guide and support future housing and commercial development to be drawn up with the Highland Council conservation team. Concerned that there is a danger that future plans for housing such as those around the ASDA site will be disconnected from the historic core of the town and be low density cul de sac executive type development which is not appropriate for Tain.

TN2 Land to rear of Craighill Primary School

Housing density, design and open space

Alison Taylor (04030) - Seeks inclusion of a requirement for an amenity buffer to allow access to rear of gardens for maintenance purposes.

Nigel Jones (04037) - Believes that the proposed density of the site is excessive in relation to similarly sized areas and that development will lead to loss of playground space for children.

Alison Taylor (04030) - Believes that development of land immediately adjacent existing housing should be restricted to single storey to prevent overlooking.

Peter Cabrelli (04214) - Believes that the impact with respect to the potential for flooding of adjacent property has not been adequately addressed or communicated in a satisfactory manner. Wishes to understand proposals to disperse run-off water to the north east of the proposed development area in a satisfactory manner. Interested to understand the Council's overall drainage philosophy how it is intended to deal with the substantial increase in surface water generated development.

TN3 Kirksheaf Road

Social Housing Providers in Highland (04381) - Believes that within allocation TN3, Kirksheaf Road, Tain, a flexible approach should be taken to road infrastructure. This site could provide housing for a range of needs and tenures but may not be taken forward if there are overly onerous road improvement requirements.

TN4 Rowan Drive

General support

Highland Housing Alliance (00202) - Highland Housing Alliance supports inclusion of the site.

Site capacity, transport & pedestrian access

Peter Reynolds (03984) - Last week I received from you a notification of publication of the above plan, including a supposed proposal to allocate TN4 for 23 homes. Far more houses have already been built than are shown on the plan map you sent with the whole of the area around Rowan Drive/Birch Place being now filled up apart from maybe 2 or 3 plots that have not yet been built on. The area around Benview Road has 10 properties in process of construction along Benview Road and Jackson Drive, so the only area within the boundary still available for building is alongside the south-east boundary of TN4 behind Benview Road/Jackson Drive, there is not remaining capacity for 23 only a maximum of about 10.

General comments on construction in this area, the Tain Active Travel Audit (TATA) identified a possible through bus route from Benview Road to Rowan Drive, which appears to have been blocked off by private house gardens now.

The TATA included the need for improvements for those people crossing the A9 at Quarry Road or at Scotsburn Road rather than using the underpass half way between these two roads. Despite major construction works, new Health Centre and Old People's Home, at the junction of Craighill Terrace and the A9 there have been no improvements.

The TATA identified a future pedestrian route behind the A9 from the new Asda to LIDL, so that people do not have to walk alongside the A9 as they do at present, at least they can often be seen on the boggy grass alongside the A9 between Craighill Terrace and Morangie Road.

The Highland Council appears to have no clear strategy for implementing this, but seems to be relying on individual members of the public pushing it through as each individual planning application along the route comes up. This is a ridiculous approach to town planning, as people who do not live immediately adjacent to future properties have no easy way of knowing when new planning applications are coming up.

Community facilities

There are no community facilities in TN4/Jubilee Drive/Viewfield Road area apart from a hotel/restaurant/bar (Carnegie Lodge Hotel). A convenience store and a post box should be available to the growing population outside the A9.

TN5 Knockbreck Road*Boundary and housing requirement*

BKB Property (01017) - Believes that the Plan content should reflect the planning in principle permission, indicating the appropriate boundary relating to the permission. This would exclude land outwith the extent of the permission at Knockbreck Road and include the tennis club land and also the roads maintenance depot and Toll House to the east. Land to the south east of Knockbreck House was identified as a "preferred" site MU2 in the MIR with potential for the medium to longer term development and intended to complement the uses on TN5. With the exception of the former roads depot at the southern tip of the site and its potential to be brought back into use in the short term, accept reference in paragraph 4.82 to the longer term development potential of this land. [01017, TN5-1to3, Boundary and layout maps]

The indicative capacity for housing development on the site relates to the area of the planning permission and if including lands outwith the permission it should be clarified that the capacity relates to only that with the current permission and that the overall capacity is in excess of this figure, or the land outwith the permission is deleted.

Recreation Access Management Plan

Requirement for a Recreation Access Management Plan there is no explanation anywhere else in the text of what it is or entails.

Access

Albyn Housing Society Ltd (00419) - Wishes amendment to site requirements to allow early progression of land adjacent Seaforth Road through provision of a separate access point.

Open space loss

Patricia Toshney (04453) - There are so little grass areas within housing sites these days and trees are part of the beauty of this area. Building more houses on one of the last grass parks within easy reach of housing would destroy amenity and privacy and remove a play area. The Links is certainly outwith most children's reach unless accompanied by an adult. It would be more conducive to landscape and put some play equipment on the area. Objects to the fact that the 7 Trees situated in front of houses 10-16 Burgage Court, Tain, classed as listed trees and are protected. This does not seem to have been taken into account in your present plan.

Business Use

The Royal Burgh of Tain Community Council (00322) - Object to this area as being quite unsuitable for Business and Commercial uses and we would wish to reaffirm that opinion, the Community Council had previously asked for a designated Business Park at a separate location and given the reasons to support it but that request appears not to have been included in the Plan.

TN6 Cemetery

Flood Risk

Scottish Environment Protection Agency (00523) - Object unless the site has a developer requirement for a Flood Risk Assessment.

TN7 Blarliath

Access

The Royal Burgh of Tain Community Council (00322) - Wish inclusion of the need for good access to the lower part of site which is in CGF ownership, and physically quite separate from the land above the escarpment.

TN8 Glenmorangie*Safeguarding of distillery use*

The Glenmorangie Company (04429) - Concern is expressed as to the use of the term “safeguard” within the narrative, which forms part of the text, which relates to the allocation of Site TN8. The term safeguarding carries with it an implied suggestion that the land in question is not, or may not be, required for development at this time. Submit that the Plan should make clear that Site TN8, the extent of which should be extended in line with the terms of our other representation and be clear that it is available for immediate development.

Distillery expansion

The Royal Burgh of Tain Community Council (00322) - An overall Master Plan would be worth implementing on this site and should include measures to improve the safety of the A9 access junction, a suggestion recently made by the Community Council but ignored by both developer and planning authority.

The Glenmorangie Company (04429) - The importance of the Glenmorangie business is recognised within paragraph 4.80 of the Plan, as both a business and a significant employer and a large tourist attraction. We request the extension of the area covered by land allocation reference TN8 as a consequence of a recent review of their short terms expansion plans. This involves a number of planned developments including additional warehousing and improved access arrangements to the site. [04429, TN8-2 proposed boundary plans supplied]

The acceleration of these projects is in direct response to the continuing strong performance of the Scottish whisky industry within the global market place. The importance of the food and drink industry to the Plans Vision for the Ross-Shire Growth Area is set out at paragraph 3.10 of the Plan, where it is stated that the economy of the area will have further diversified, with there being a renewed focus on food and drink manufacturing.

In order to facilitate the continued development of my clients operations at Tain during the period to 2031, and hence to enable them to contribute towards the realisation of the overall Vision for this part of the plan area, it is vital that a sufficient supply of land, which can be brought forward immediately as and when required, is available to my client. The provisions of Scottish Planning Policy (SPP) are clear in terms of their support for economic development. At paragraph 45 of SPP, it is advised that planning authorities should respond to the diverse needs and locational requirements of different sectors of the overall economy and urges the adoption of a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Paragraph 45 of SPP further advises that: “Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential.” Taken together, the various factors set out above provide sufficient justification for an increase to be made to the area of land for the further and continued expansion of their business interests. Ensuring, in line with the terms of SPP, that there are no unnecessary barriers put in place which could inhibit the continued growth of my clients business.

Modifications sought by those submitting representations:General

Tain & Easter Ross Civic Trust (04361) - Seeks the preparation of a "Pattern Book" design guide to plan.

Patricia Toshney (04453) - Seek more encouragement in the Plan for more business to come to Tain.

The Royal Burgh of Tain Community Council (00322) - Seek inclusion of wording to highlight commitment of town centre enhancement.

Scottish Water (00396) – Seeks substitution of existing first sentence in para 4.83 to read: "Whilst sufficient capacity currently exists at Assynt Water Treatment Works and Newtonmore it early engagement is required to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development"

The Royal Burgh of Tain Community Council (00322) - Seeks the modification of the open space and settlement boundary.

The Royal Burgh of Tain Community Council (00322) - Seek the inclusion of a requirement for improvements to the A9 (T).

Balnagown Estate (00964) - Seeks identification of "future areas for growth" South and South East of A9 for development in future plan periods, in particular MIR site H6 - Land at Hartfield.

The Glenmorangie Company (04429) - Seeks the allocation of land lying to the west side of the A9 adjacent Glenmorangie Distillery.

TN2 Land to rear of Craighill Primary School

Alison Taylor (04030) - Inclusion of development requirement for inclusion of amenity buffer to existing adjacent residential properties.

Peter Cabrelli (04214) - Seeks further detail regarding flood risk.

Nigel Jones (04037) - Reduction in housing capacity and requirement for the safeguarding of play areas.

Alison Taylor (04030) - Development requirement for restriction to single storey housing adjacent existing residential properties.

TN3 Kirksheaf Road

Social Housing Providers in Highland (04381) - Seeks that a flexible approach should be taken to road infrastructure.

TN4 Rowan Drive

Peter Reynolds (03984) - Seeks requirement for community facilities on the south-west side of the A9 (T).

TN5 Knockbreck Road

Patricia Toshney (04453) - Seeks reference to the protection of the trees subject to the tree preservation order in future plans.

BKB Property (01017) - Amend the Plan content should reflect the planning in principle permission, indicating the appropriate boundary relating to the permission and the housing capacity as related to the permission alone. This would exclude land outwith the extent of the permission at Knockbreck Road and include the tennis club land and also the roads maintenance depot and Toll House to the east. Removal of reference to Recreational Access Management Plan or a more explicit definition of 'Recreation/al Access Management Plans' to provide certainty to all Plan users.

The Royal Burgh of Tain Community Council (00322) - Seek the allocation of land for business uses elsewhere.

Patricia Toshney (04453) - Seeks change made to take account of the 7 protected trees within TN5 in front of Burgage Court.

Albyn Housing Society Ltd (00419) - Amendment to site requirements to allow additional access point to Seaforth Road.

TN6 Cemetery

Scottish Environment Protection Agency (00523) - Inclusion of developer requirement for need for a Flood Risk Assessment to support development.

TN7 Blarliath

The Royal Burgh of Tain Community Council (00322) - Seeks the inclusion of an access to good land in Common Good ownership and also inclusion of land between the railway line and beach within the settlement boundary.

TN8 Glenmorangie

The Glenmorangie Company (04429) - Seeks removal of reference to 'safeguard' as it appears within the narrative which forms part of the text which relates to the allocation of Site TN8.

The Royal Burgh of Tain Community Council (00322) - Inclusion of a requirement for access improvements to A9 (T).

The Glenmorangie Company (04429) - Seeks extension to allocation to ensure that the short to medium terms development requirements of expansion of the Glenmorangie Distillery.

Summary of responses (including reasons) by planning authority:General*Plan led development*

The Royal Burgh of Tain Community Council (00322) - The Plan sets out the main areas for development to provide certainty as to where development will be supported, however flexibility to other development opportunities is provided to unallocated land within settlements through compliance with Policy 34 Settlement Development Areas [CD1: Highland wide Local Development Plan Policy 34, page 85] and other relevant policies.

Plan content

The Royal Burgh of Tain Community Council (00322) - The Council note the general comment regarding the currency of the Plan content.

New sites previously considered

Stuart Campbell (00264), Balnagown Estate (00964) - In relation to both sites referenced in objections MU4 and H6 these were considered in the consultation of the Main Issues Report, both as non-preferred sites, the Council has not progressed either site to the Proposed Plan. It is the Council's view that the development of Tain should first consolidate within the boundary of the settlement prior to further expansion to the west of the A9 Trunk Road. This is to reinforce Tain's sense of place. It is acknowledged that development to the west of the A9 is the most logical expansion area for Tain for the longer term but considers that the allocations contained within the bypass offers an effective land supply for the Plan period and consideration of further development beyond the bypass to be beyond the period covered by this plan. Accordingly, the Council believes the site should not be included in the Plan.

Water Supply

Scottish Water (00396) - Agree with proposed change as it relates only to sentence structure and providing greater clarity, and can therefore be made as a non-notifiable modification. "Whilst sufficient capacity currently exists at Assynt Water Treatment Works and Newtonmore it early engagement is required to take place between Developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development"

Trunk Road improvements

The Royal Burgh of Tain Community Council (00322) - The development of road safety improvements to facilitate more effective and safe access to Tain have been considered through the Transport Appraisal [THC TN-GEN1 Transport Appraisal] which has been carried out by The Highland Council in partnership with transport providers and Transport Scotland. Junction improvements have been suggested as part of this work but have, at this time not been taken forward as a priority with the main focus of road improvements being to the local road network. Conditions in place on a number of developments within Tain will lead to improvements to the local road network and any development allocated within the Inner Moray Firth Local Development Plan will be required to bring forward appropriate access solutions. In future considerations of development plan reviews, the

need to address access issues relating to the A9 (T) will be examined in consultation with Transport Scotland.

Inclusion of open space

The Royal Burgh of Tain Community Council (00322) - The wider area at the Plaids does form part of the wider recreational area for Tain settlement but consider that as the area is already contained within the Core Path Strategy [THC TN-GEN2 Core Path Strategy extract] and provides a strong link in terms of securing and attracting investment. In relation to the area of land between the railway line and the beach do not consider that the inclusion of this more remote area is appropriate. Accordingly, the Council believes the settlement boundary should be retained without modification in respect of this issue.

Town Centre

The Royal Burgh of Tain Community Council (00322), Patricia Toshney (04453) - The Council is to prepare a Town Centre Action Plan which will identify the potential for improvement to the town centre and also identify funding streams that can be used to facilitate these and also provide a basis to attract private sector investment to the area. This is as a consequence of a successful bid to Scottish Government for funding to provide the ability to react to the Scottish Government's Town Centre Action Plan.

Design Guidance

Tain & Easter Ross Civic Trust (04361) - The Plan recognises the historic value of Tain and the value of its Conservation area. The Council's stated intention, para 4.78, is to undertake a Conservation Area Appraisal and draft a Management Plan and prepare Supplementary Guidance that will identify the appropriate scale, massing, location and materials types for new developments and also for the alteration and extension of traditional buildings throughout the Conservation Area. The principles established in this document will be material for consideration of new developments throughout the settlement.

TN2 Land to rear of Craighill Primary School

Housing density, design and open space

Alison Taylor (04030) - In regard to the inclusion of an amenity buffer this would likely raise further issues relating to the ongoing maintenance of additional open space utilised only for maintenance access issues as well as introducing areas more vulnerable to crime.

Nigel Jones (04037) - In regard to issues raised relating to level of development, the density proposed is similar to that of existing housing in the adjacent Craighill Terrace /St Andrews Drive/Manse Crescent areas although at a higher density than that deployed at Stagcroft/Provost Ferguson Drive. This site does benefit from an existing planning permission. [THC TN2, 07/00797/OUTRC, Planning Permission for development rear of Craighill Primary] for 170dh on the site.

This level of development provides for a more efficient use of land in an already built up urban area. The land allocated does not currently fulfil any function as play space for children; The approved development will provide play areas and open space in line with the Council's Supplementary Guidance - Open Space in New Residential Developments.

[THC TN-GEN3 Open Space in New Residential Developments SG]

Alison Taylor (04030) - In consideration of matters of the design of housing will be dealt with at the more detailed stage of the application process when issues relating to the amenity of existing adjacent residents will be examined.

Peter Cabrelli (04214) - The requirements for site development contain a need for a Flood Risk Assessment to address issues relating to the adequate drainage of the site. The Council has produced supplementary guidance on Flood Risk and Drainage Impact Assessment [THC TN-GEN4 Flood Risk and Drainage Impact Assessment SG] which provides guidance and advice this issue. Accordingly, the Council believes the allocation should be retained without modification.

TN3 Kirksheaf Road*Requirement for road infrastructure improvements*

Social Housing Providers in Highland (04381) - In regard to road improvements, there will be requirement to ensure that the site has adequate road improvements to serve the development and to have no net detriment to the existing network. Accordingly, the Council believes the allocation should be retained without modification.

TN4 Rowan Drive*General support*

Highland Housing Alliance (00202) - Note support Highland Housing Alliance supports inclusion of the site.

Site capacity, transport & pedestrian access

Peter Reynolds (03984) - In respect of the remaining capacity of the allocated land will have reduced as a consequence of ongoing construction, the Plan will update the remaining capacity as part of factual corrections to the Plan. In regard to the delivery of a bus route that run between Benview Road to Rowan Drive, the requirement for a through route between the two sites was not considered necessary as the bus service delivered to the area operates as a dial-a-bus and not a scheduled bus service. This type of bus service is flexible and picks up travellers from their home or at an arranged pick-up point; therefore there is no prescribed route for a bus to follow.

In response to comments seeking the provision of pedestrian links from the Knockbreck site to connect with existing footpath network. There is already in existence a footpath link from the Asda development to Burgage Court. Further linkages will be delivered through the development of the site; these linkages have been identified in the Tain Active Travel Plan. These linkages will be to the existing footpath network running throughout Tain and situated remotely from the A9 (T), footpaths encouraging walking alongside the trunk road will be discouraged.

Community facilities

The Plan seeks to consolidate existing facilities available to the community of Tain; the potential for provision of services in a peripheral location would depend largely on the

economic viability of such a venture. The longer term development of land outwith the bypass will require allocations aimed at the provision of services to serve the area. Accordingly, the Council believes the allocation/policy should be retained without modification.

TN5 Knockbreck Road

Boundary and housing requirement

BKB Property (01017) - In respect to comment that the allocation boundary did not reflect that of the planning approval the Council agree with proposed change in relation to the extent of the planning permission, as it relates only to factual amendments and the provision of greater clarity, and can therefore be made as a non-notifiable modification. Suggest that amendments to include boundary change to reflect extent of approved masterplan and also the inclusion of additional text to indicate that further capacity for development exists outwith the area covered by the Planning Permission may be appropriate to clarify the issue.

In regard to the inclusion of the tennis courts within TN5, the Council considers that there is no requirement to include this site within TN5 as a further detailed application would be required to implement any changes, improvements to the existing facilities at the tennis court would have the general support contained within Policy 34 Settlement Development Areas. [CD1: Highland wide Local Development Plan Policy 34, page 85] The former Council Yard and the Toll Booth offer the potential for brownfield development, consider that it may be appropriate to extend of the settlement boundary to include this site, in line with the existing boundary of the Ross and Cromarty East Local Plan. [CD3: Ross and Cromarty East Local Plan, Inset map 33-Tain]

A brief glossary definition and reference to Recreational Access Management Plans would be appropriate subject to the Reporters' agreement. However, the plans can be prepared by a variety of different parties and there is no legislative requirement as to how they must be prepared so it should be a non prescriptive definition in terms of methodology and lead agency. Moreover they are also required to mitigate for the potential adverse environmental impact of recreational access pressure so the suggested definition of content is too narrow. Including all these plans in the Action Programme would be inappropriate as they are not about promoting development and the Council may not be the lead agency

Recreation Access Management Plan

A brief glossary definition and reference would be appropriate subject to the Reporters' agreement. However, the plans can be prepared by a variety of different parties and there is no legislative requirement as to how they must be prepared so it should be a non prescriptive definition in terms of methodology and lead agency. Moreover they are also required to mitigate for the potential adverse environmental impact of recreational access pressure so the suggested definition of content is too narrow. Including all these plans in the Action Programme would be inappropriate as they are not about promoting development and the Council may not be the lead agency.

Access

Albyn Housing Society Ltd (00419) - In regard to comment that a requirement should

relate to the provision of a separate access to Seaforth Road, the Plan requires that development complies with the approved development, the permission as approved provides two access points to Seaforth Road. Additionally the Plan places a requirement for access into across and through the site.

Open space loss

Patricia Toshney (04453) - In regard to concerns relating to the loss of open space, the approved masterplan layout of the planning permission indicates that the area adjacent Burgage Court is to be retained as play area/open space. All development proposals within the Plan will have to consider the potential provision of open space as part of any application.

Business Use

The Royal Burgh of Tain Community Council (00322) - In response to objections to the inclusion of business and commercial uses on the site, the Council note the comments made by the Community Council, however, the allocation reflects the approval of mixed use development on the allocated site. This provides a variety of uses providing a mixture of residential and business uses which are considered to be complementary to each other offering a sustainable development option. The site identified by the Community Council was consulted as part of the Alternative sites consultation [THC TN-GEN5 Alternative Sites Consultation extract], the site received no wider support and the Council considered that given the capacity of existing allocations to deliver business opportunities coupled with issues relating to the need for significant access issues the site was not taken forward to the Proposed Plan. The delivery of the TN5 Knockbreck Road site along with the existing allocation at TN7 Blarliath and the potential of existing vacancies and the future availability of land and buildings as a consequence of the Councils review of office accommodation deliver adequate opportunity for business development. If the Reporters feel that clarification would be appropriate in relation to the extent of development covered by the extant permission on the site then the Council would be content with inclusion of the suggested points of clarification. In relation to the extension of the boundary to include the former Council Yard the Council would support such a change should the Reporters wish to recommend it.

TN6 Cemetery

Flood Risk

Scottish Environment Protection Agency (00523) - In regard to the concerns made over flood risk, the Council consider that Policy 64 Flood Risk of the Highland-wide Local Development Plan [CD1: Highland wide Local Development Plan Policy 64, page 118] provides adequate policy context, however, it may be appropriate to highlight the need for a Flood Risk Assessment as a relevant development requirement and providing greater clarity to an issue relating to the site. If the Reporters feel it necessary, then the Council would accept a reference to the need for a Flood Risk Assessment as a relevant development requirement.

TN7 Blarliath*Access*

The Royal Burgh of Tain Community Council (00322) - In relation to the seeking of a requirement for an access to be delivered to the lower part of the allocation. The requirements of the site seek the delivery of access to the site from Shore Road, potential access points exist to both the upper and lower parts to the site from Shore Road. Consider that development proposals will deliver appropriate access to the differing parts of the site in line with existing requirements. Accordingly, the Council believes the allocation should be retained without modification.

TN8 Glenmorangie*Safeguarding of distillery use*

The Glenmorangie Company (04429) - In regard to the use of the term “safeguard”, this term is utilised to protect the nature of activity currently on site. It should not be inferred that this seeks to prevent the short term development of the distillery’s activities.

Distillery expansion

The Royal Burgh of Tain Community Council (00322), The Glenmorangie Company (04429) - The Council acknowledge the expanding global market for whisky production and sales and opportunities for expansion. The distillery is now seeking further land allocations to support the growth of the distillery. While the continued economic growth is supported in principle, it is considered that the progression of development of the site requires to be the subject of wider consultation with the involvement of the Council, the community of Tain and other agencies and interests. Transport Scotland’s involvement will be important in relation to identification of solutions to safety concerns relating to access to the A9 (T) trunk road.

Also given the location of the site due consideration will be required to the landscape setting and the potential environmental impacts on the European Designated sites. In addition the impact on the Trunk Road network will need to be assessed as part of any future proposal on the site. The Community Council has suggested that the site should be led by the development of a masterplan which would also seek to address traffic safety concerns. This is the approach that the Plan suggests in the requirements section for the allocation. It may be appropriate to expand the requirements section to include a wider description of issues to be addressed and to the potential for the shorter term delivery of expansion plans through the delivery of a masterplan, in consultation with the Community, the Council and Transport Scotland and other relevant agencies, which would identify the extent, nature and mitigation required to deliver expansion of distillery activities.

The Council would support an enhancement of the developer requirements should the Reporters wish to recommend it.

Reporter's conclusions:

General

Plan led development

The Royal Burgh of Tain Community Council (00322)

1. The council's response above adequately explains the plan's role in the development process and no modification is needed.

The Royal Burgh of Tain Community Council (00322)

2. This is a general comment and no modification is sought.

New sites previously considered

Stuart Campbell (00264), Balnagown Estate (00964)

3. Sites MU4 and H6 were considered at the time of the main issues report and rejected by the council. The council's principle of developing first within the A9 bypass to reinforce Tain's sense of place is a sound one. No arguments have been presented to me that persuade me development should extend to the west of the A9 before potential development sites to the east have been taken up. There is a generous housing supply on the allocated sites, in line with the Highland-wide Local Development Plan. No modification is needed.

Water Supply

Scottish Water (00396)

4. This is a factual and technical modification that is accepted by the council. The plan should be modified accordingly.

Trunk Road improvements

The Royal Burgh of Tain Community Council (00322)

5. Access issues and junction improvements relating to trunk roads fall within the remit of Transport Scotland. Any necessary improvements as a consequence of development would be raised during consultations and may result in developer contributions being required towards the cost. No specific modification is required.

Inclusion of open space

The Royal Burgh of Tain Community Council (00322)

6. The council points out that land at the Plaids is already contained within the Core Paths Strategy and is in a strong position to attract investment. There is no specific justification for including land between the railway and beach within the settlement development area. This area would be protected under the general policies of the

Highland-wide Local Development Plan. No modification is needed.

Town Centre

The Royal Burgh of Tain Community Council (00322), Patricia Toshney (04453)

7. The council identifies a successful bid for Government funding that will lead to the preparation of a Town Centre Action Plan, identifying funding streams to make improvements to the town centre. The building of houses will bring people to live in the town and strengthen the local economy, thus helping the regeneration process. No modification is needed.

Design Guidance

Tain & Easter Ross Civic Trust (04361)

8. Paragraph 4.78 of the proposed plan recognises the significance of Tain as a historic Royal Burgh, and the importance of the Tain Conservation Area. The council plans to prepare a Conservation Area Appraisal, and this, together with a Management Plan and supplementary guidance on design will meet the request of the representee. No modification is needed.

TN2 Land to rear of Craighill Primary School

Housing density, design and open space

Alison Taylor (04030)

9. The council raises issues of maintenance of open space used only for maintenance access for adjoining properties, as well as giving access to rear gardens for potential criminals. I am not persuaded the need for access raises such difficulties as to require a specific buffer zone.

Nigel Jones (04037)

10. The council notes this site is subject to a planning permission (07/00797/OUTRC) for the development of 170 houses. This is the given capacity of the site in the proposed plan. I do not consider this to be particularly high within the context of a relatively densely developed surrounding area. Formal play areas will be provided within the development in accordance with the council's supplementary guidance on their provision. No modification is needed.

Alison Taylor (04030)

11. Issues such as overlooking are considered as part of the detailed design of a development. Specific guidance is in place to ensure sufficient distance between opposing windows so that overlooking is not a problem. It is not the task of the local development plan to specify the height of houses in a large general housing development. No modification is needed.

Peter Cabrelli (04214)

12. The site requirements include a flood risk assessment. The council points out that supplementary guidance has been produced (THC TN-GEN4) that gives guidance on flood risk and drainage impact assessment. This will address the matters raised by the representee. Specific issues will be addressed in the flood risk assessment available when detailed development proposals are being considered. No modification is needed.

TN3 Kirksheaf Road

Requirement for road infrastructure improvements

The Highlands Small Communities Housing Trust (04381)

13. The TN3 site requirements include a suitable access and enhancement to the local road network. This is standard procedure for new development, with requirements depending on specific local circumstances. This would be a matter for negotiation with the council when proposals are put forward. No modification is needed.

TN4 Rowan Drive

General support

Highland Housing Alliance (00202)

14. This is a general supportive comment not needing any modification.

Site capacity, transport & pedestrian access

Peter Reynolds (03984)

15. The council notes that the site capacity should be adjusted because of a reduction in area due to existing building being undertaken. This will be done as a factual correction to the plan and does not need any modification by me. The council also explains that the local bus service is 'dial-a-bus' so there is no prescribed route, the one taken depending on specific requirements of passengers at any one time.

16. The council has also explained footpath provision in the area, with linkages set out in the Tain Active Travel Plan. No modification is needed.

Community facilities

17. The council notes the proposed plan's intention to consolidate services based on existing developments. From my site inspection, and based on experience, I would have doubts as to whether the amount of development to the west of the A9 is sufficient to justify the opening of a new convenience store. This is a matter for a private developer, and no modification is needed.

TN5 Knockbreck RoadBoundary and housing requirementBKB Property (01017)

18. This representation is largely concerned with factual accuracy and basing the site area on that covered by a masterplan and planning permission (10/02217/PIP). This produces a slightly larger site area of 24.97 hectares, compared to the 18.4 in the proposed plan. To assess the exact area I made a further information request to the council, which prepared a revised site plan, together with new proposed wording for the site description and requirements. This consolidates the area covered by the masterplan and planning permission and provides an up to date reference for the area's development. Other than a strip of land to the south of the Asda supermarket all the modified areas are to the east of the B9174 leading from the A9 to the town centre. The plan should be modified accordingly.

Recreation Access Management Plan

19. This provides for the explanation in the glossary of a recreation management plan. The council has provided the wording in response to a further information request from me. The plan should be modified accordingly.

AccessAlbyn Housing Society Ltd (00419)

20. The planning permission referred to above includes two accesses onto Seaforth Road. In addition the site requirements refer to access through and across the site. No modification is needed.

Open space lossPatricia Toshney (04453)

21. The council has explained above that the area adjacent to Burbage Court is to be retained as a play area/ open space. Any trees covered by a Tree Preservation Order would be safeguarded under that legislation. This would not necessarily be referred to in a local development plan. As the council also points out matters relating to play areas and open space would be dealt with as part of the consideration of a detailed planning application. No modification is needed.

Business UseThe Royal Burgh of Tain Community Council (00322)

22. The council has explained that business use is included in the outline planning permission for the site as part of the mixed use development. It adds there was no support for the alternative site put forward by the community council. In addition there is ample provision for business use throughout the plan area.

23. Modifications to reflect the masterplan site area and inclusion of the former roads depot have been dealt with above. No further modification is needed.

TN6 Cemetery

Flood Risk

Scottish Environment Protection Agency (00523)

24. This is a technical amendment to state the need for a flood risk assessment. While there is policy context regarding flooding in the Highland-wide Development Plan it is standard practice in the proposed plan to require a flood risk assessment when there is a potential risk. The plan should be modified accordingly.

TN7 Blarliath

Access

The Royal Burgh of Tain Community Council (00322)

25. The council states there is potential access to both the upper and lower parts of the site from Shore Road, which is the required access in the proposed plan. I can confirm this from my site inspection. No modification is needed.

TN8 Glenmorangie

Safeguarding of distillery use

The Glenmorangie Company (04429)

26. My understanding of the term 'safeguarding' is the same as that of the council, namely to protect the nature of the current activities on the site, in this case the distillery and ancillary uses, such as the bondage and tourist facilities. The uses set out allow for intensification and expansion of these uses. No modification is needed.

Distillery expansion

The Royal Burgh of Tain Community Council (00322), The Glenmorangie Company (04429)

27. The Glenmorangie distillery occupies an important location just north of Tain, between the A9 and the shore. The importance of the distillery to the area both for the production of a world renowned whisky, and through that as a provider of employment and a tourist attraction is not in dispute.

28. The key issue here is the pace of expansion, and the council is sympathetic to enhancing the developer requirements. In response to this I sought specific wording from the council by means of a further information request. This wording has been accepted by agents acting for the distillery company, subject to an addition allowing the submission of a planning application to go ahead alongside preparation of the masterplan. As both these would be subject to discussions with the council, and are inter-related, I am content with this approach. The wording takes into account the need to fully assess traffic

impacts, and this would include the main access on to the A9. A modification should be made accordingly.

29. An allocation for additional land to facilitate short and medium term expansion is also requested. The council has not commented on this. Scottish Planning Policy is quoted in support of this through the need to respond to the locational requirements of different sectors of the overall economy. Scottish Planning Policy also contains a presumption in favour of development that contributes to sustainable development.

30. The distillery is long established in Tain and its site gives easy location to transport networks by road and rail. A plan provided with representations shows the proposed expansion of site to the south-east where it would meet the proposed Tain main settlement development area boundary (04429 TN8 – drawing number A.44,098)). This is separated from the TN8 site itself by open ground.

31. Of the proposed expansion land the large field surrounding Morangie Farm House, and part of the immediate coastal strip to the south-east of the warehouses are already included within the proposed plan as part of site TN8. In addition the south-eastern most field is also included, designated as site TN7 and allocated for business use. It appears therefore that something approaching half of the land area put forward for inclusion is already designated in the proposed plan.

32. The current TN8 site has an area of 18.2 hectares of which approximately half is taken up by the existing distillery, bondage and administrative/tourist development. This still leaves a significant area available for immediate expansion. I note also there is no reference to any proposals on the part of the distillery in the main issues report, when any proposed new designations might have been expected to come forward. Although I do not have any details of the planned expansion it appears likely that adequate land is available within the immediate plan period. Future development proposals could be brought forward as part of the call for sites for the successor local development plan. For these reasons I am not persuaded that any modification is needed.

33. A drawing was also submitted (A.44,098a) showing land for long term future expansion to the west of the A9 opposite the main distillery buildings. This is a matter for consideration in future plans, and no modification is need.

Reporter’s recommendations:

It is recommended that:

1. The first sentence of paragraph 4.83 be deleted and replaced with: “Whilst sufficient capacity currently exists at Assynt and Newmore Water Treatment Works and Tain Waste Water Treatment Works early engagement is required to take place between developers and Scottish Water, to ensure any additional capacity demands in the future can be delivered in line with development”.
2. Under site TN5:
 - the area figure ‘18.4’ be deleted and replaced with: “24.97”.
 - the whole of the site requirements be deleted and replaced with: “Indicative capacity for housing development of site refers to approved masterplan (Permission in Principle 10/02217/PIP). Remainder of site holds potential for

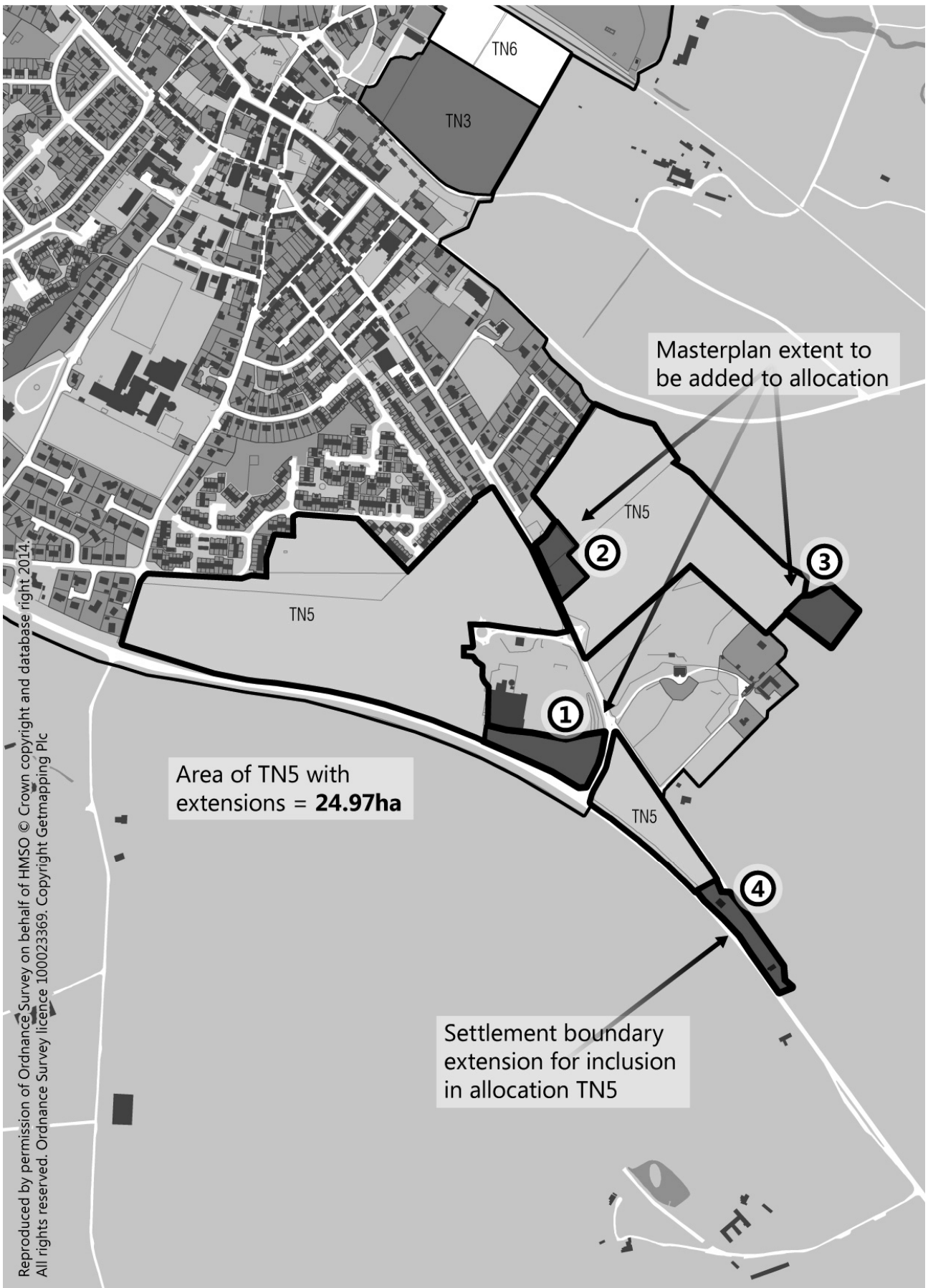
additional mixed use development. Development of masterplanned area to be in accordance with the approval including suitable access into, through and across the site; provision of new/extended bus service(s); programme of archaeological work; consideration of reuse of Toll Booth listed building; Tree Protection Plan; Bat Surveys (if trees are removed); avoidance of any adverse effect on the integrity of Dornoch Firth and Loch Fleet SPA/Ramsar through preparation of a Recreation Access Management Plan.”

- the settlement plan be modified with regard to site TN5 in accordance with the plan provided by the council attached as an annex to this issue and numbered TN5 modified.
- the settlement development area be modified in accordance with the above plan to include the former council roads depot, now part of site TN5.

3. In the glossary, after ‘Ramsar Site’ be added: “Recreation Access Management Plan: A plan which examines any likely increased pressures from recreational access on any natural heritage interests. Where necessary, avoidance or mitigation measures should be detailed within the Recreation Access Management Plan to inform the preparation of an appropriate assessment if Natura site interests are likely to be significantly affected.”

4. Under the requirements for site TN6 the words: “Flood Risk Assessment” be added.

5. The requirements for site TN8 be deleted and replaced with: “Safeguard for existing use including intensification and expansion beyond current boundary. A developer led masterplan to be produced to identify the opportunities, scale and spatial extent of future expansion. The developer masterplan needs to be agreed by The Highland Council and may be adopted as Supplementary Guidance. Consultation with the local community should inform the preparation of the masterplan. The masterplan will address issues relating to future development, including: access and transport assessment; no net detriment to strategic road network capacity; design statement; archaeological assessment; sensitive siting of development to avoid loss of view over Dornoch Firth from A9 to the adjacent Dornoch Firth National Scenic Area; avoidance of any adverse effect on the integrity of Dornoch Firth and Loch Fleet SPA/Ramsar. This masterplan may be prepared in parallel with the promotion of and planning application relating to the development of the site.”



Issue 27	Ardersier	
Development plan reference:	(Para 4.84, Page 95)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Highland Small Communities Housing Trust (00430) Scottish Environment Protection Agency (00523) Halla McLean (01145) Irene Ross (01159) John Haaslam (03941) Doreen Clark (03970) John Ross (04000) Alison Walker (04002)	Hazel Leith (04007) Don Leith (04008) Richard McLean (04126) Cawdor Scottish Discretionary Trust (04130) Fiona Getty (04234) Social Housing Providers in Highland (04381) Medco Ltd (04414)	
Provision of the development plan to which the issue relates:	Ardersier	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>John Haaslam (03941) - Believes that the development of Ardersier would require more than building housing on various greenfield sites, the village at present lacks suitable amenities for children & adults, there is no community hub where sports can be played indoors etc later in the day.</p> <p><u>AR2 South of Nairn Road</u></p> <p>Doreen Clark (03970) - Believes that the development is not feasible due to ground water conditions and renders the site unviable. Access from Fettes Road is unlikely as the road and underlying ground conditions makes the road unsuitable for heavy traffic. The construction on tis site would block the view from my house and reduce the value. Additionally there is an already existing supply of empty and derelict properties which should be renovated and brought back into use.</p> <p>Cawdor Scottish Discretionary Trust (04130) - This site is in more than one ownership and there should be a requirement that there can be no ransom strips created landlocking of development.</p> <p><u>AR3 Station Road</u></p> <p>Social Housing Providers in Highland (04381) - Believes that the housing capacity of allocation AR3, Station Road, Ardersier should be increased to 18. The housing allocation of 10 homes does not reflect the number which could be accommodated within a</p>		

considered layout.

Highland Small Communities Housing Trust (00430) - Believes the capacity of the site should be increased to maximise the efficient use of land.

AR4 Milton of Connage Farm

Medco Ltd (04414) - Welcomes the allocation of the land at Milton of Connage, the development of this site will make a valuable contribution to delivering a mix of housing and employment space to the village.

AR5 South of Cromal Terrace

John Ross (04000) - Supports Plan as written; this is a compromise to previous proposals and as such should go ahead.

Scottish Environment Protection Agency (00523) - Object unless the site is removed from the Plan or a Flood Risk Assessment is carried out at prior to inclusion in the Plan which demonstrates that the proposals would comply with Scottish Planning Policy.

Halla McLean (01145) - The plan supports one house being built on this site. The land in question was gifted to Ardersier Bowling club many years ago and as such should be retained for community use. The land without housing on it offers an uninterrupted view of the sea as you drive into the conservation area of Ardersier; the only spot in the conservation area where this is available. Being in the conservation area it is very important to consider this very carefully before allowing a developer to spoil it where there is no need for additional housing and many other sites are already allocated all around the village for housing where they will not spoil the most beautiful part of the village.

AR6 North of village

Alison Walker (04002), John Ross (04000), Hazel Leith (04007), Don Leith (04008), Irene Ross (01159), John Ross (04000) - Wishes the inclusion of a Manager's house/office and shop/cafe to form part of the development potential for the site. The development of a touring caravan park and changing block would have to be administered from somewhere adjacent and the current wording limits uses.

Halla McLean (01145), Richard McLean (04126) - Considers that land should be retained for community use, forms part of Ardersier Common. Land is underwater for part of year, lies under water table, provides unique environment for wildlife. Development as caravan park would require land raising and would ruin wildlife environment. Site is mixed woodland habitat supporting wildlife species and should be retained. Previous application for single house has previously been refused and identified as within 1:200 flood risk; contrary to Scottish Planning Policy.

The development of a caravan park would additionally require amenities such as toilet block and warden's house spoiling the beautiful beachline and the views both to and from the fort.

Development on the proposed site would result in reduced standards of amenity available to local residents, specifically those of Cromal Terrace and Ardersier in general and also contrary to principles upheld through Structure plan Policy G2 and set a precedent. There

are plenty of empty fields around the village that would be much more appropriate for business use.

AR8 Nairn Road Industrial Estate Expansion

Fiona Getty (04234) - As Landowner of site AR8 Nairn Road Industrial Estate Expansion I do not want to see good agricultural land being used for this purpose. Is there is likely to be demand for industrial units in future? The farm has been in my family since generations and very well established and to lose such a large area of land would have a severe impact on our activities.

Modifications sought by those submitting representations:

General

John Haaslam (03941) - Further text clarifying the level of amenities to be provided for a growing village.

AR2 South of Nairn Road

Doreen Clark (03970) - Removal of site AR2 from the Plan.

Cawdor Scottish Discretionary Trust (04130) - Inclusion of developer requirement to prevent ransom strips between different landowner/developer interests.

AR3 Station Road

Highland Small Communities Housing Trust (00430) - Increased capacity for housing on site.

Social Housing Providers in Highland (04381) - Increase in indicative housing capacity for the site.

AR5 South of Cromal Terrace

Halla McLean (01145) - Removal of site from Plan, retention of site for community use.

Scottish Environment Protection Agency (00523) - Removal of site from Plan or Flood Risk Assessment carried out to support inclusion in Plan.

AR6 North of village

Alison Walker (04002), John Ross (04000), Hazel Leith (04007), Don Leith (04008), Irene Ross (01159) - Inclusion of manager's house/office and shop as part of the development use on the site.

Halla McLean (01145), Richard McLean (04126) - Removal of allocation for use to for tourism and Caravan Site.

AR8 Nairn Road Industrial Estate Expansion

Fiona Getty (04234) - Removal of industrial land allocation for Nairn Road industrial estate expansion.

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

John Haaslam (03941) - The development of the wider facilities will be better placed with a growing and vibrant population. The allocation of the Memorial Hall reflects community activity in seeking to refurbish the hall for community use with funding for the project being actively pursued. Additionally a planning permission has been given for the former school to be converted to a general store.

AR2 South of Nairn Road

Doreen Clark (03970), Cawdor Scottish Discretionary Trust (04130) - This site has been safeguarded from piecemeal development in the Inverness Local Plan [CD2: Inverness Local Plan, allocation 13, Written Statement page numbered 66 and Inset 9 Map booklet] identified for residential development in the Highland-wide Local Development Plan [CD1: Highland wide Local Development Plan, Policy 21 Ardersier Expansion, page 63], to provide for the longer term development of the settlement, and as such the development potential should continue to be recognised within the Plan. There are limited effective sites within the settlement and the potential for this site commence prior to the timescale of the Plan should be noted with the ongoing potential to continue development in the longer term. The use of planning conditions will ensure that ransom strips are not an issue for developers.

In reference to comment, it is noted that the high water table will present a challenge to the delivery of development on this site. The development of the site would provide a significant expansion site to support the growth of Ardersier. The development has the potential to link with the proposed development at site H3 and also to the existing access serving development at Fettes Road.

SEPA have highlighted in consultation the potential of Flood Risk on the site, both coastal and fluvial and also have indicated that restoration of the burn to the southern boundary of the site would be appropriate as the burn has been historically aligned. The Council consider that there is a need for a Flood Risk Assessment to support any development proposals and a full Drainage Impact Assessment may be required as indicated by the Supplementary Guidance on Flood Risk and Drainage. [THC AR-GEN1 Flood Risk Assessment SG extract] Other general policy aspects will need to be addressed including the provision of adequate surface water drainage. The issue of private views does form part of a planning consideration, although amenity issues affecting existing adjacent properties will form part of any development proposal. Accordingly, the Council believes the allocation should be retained without modification.

AR3 Station Road

Social Housing Providers in Highland (04381), Highland Small Communities Housing Trust (00430) - The Plan requirements already indicate that there may be potential for the

intensification of the housing element on the site should business use not be forthcoming. It is the Councils intention to provide opportunity for employment generating development to provide local employment opportunities. The Council consider therefore that no change is required. Accordingly, the Council believes the allocation should be retained without modification.

AR4 Milton of Connage Farm

Medco Ltd (04414) - Support noted.

AR5 South of Cromal Terrace

John Ross (04000), Scottish Environment Protection Agency (00523), Halla McLean (01145) - The Council consider potential exists to develop a part of the site for 1 house on the High Street frontage which may assist in the delivery of community use on the remainder of the site. Any housing development would have to be sympathetically designed taking account of the conservation area status of this part of the village and to mitigate the visual impact of any built development. The Council recognises the importance of the existing Conservation Area and intend to undertake a Conservation Area Appraisal and draft a Conservation Area Management Plan. Proposals should also consider how it may contribute towards the ability of the remainder of the site to be developed for community use either through improved infrastructure or by direct contribution towards community based proposals. It may be appropriate to add a reference requiring a contribution, physical or financial, towards improving the amenity value of the remainder of the site. The issue of ownership may prove to be an issue in the development of the site although no confirmation of ownership has been provided. SEPA have objected to the inclusion of the site on the basis that the site is at risk from 1 in 200 year flood risk and consider that a Flood Risk Assessment (FRA) needs to be undertaken prior to the inclusion of the site in the Plan. The Council, acknowledge that flooding is a consideration for the site but consider that the developer requirement included in the Plan setting out the need for a FRA to support development proposals will be adequate to address these concerns. The outcomes of a FRA will define the potential developable area and development options for the site; any built development to lie outwith the functional flood plain. It is noted by the Council that the recently released, Jan 2014, SEPA Flood Map [THC AR5-1, Extract map of Scottish Environment Protection Agency, Flood mapping data, 2006 & 2014 comparison] does indicate that flood risk across the site is more widespread than the previously issued flood mapping. Accordingly, the Council believes the allocation should be retained without modification.

AR6 North of village

Alison Walker (04002), Hazel Leith (04007), Don Leith (04008), Irene Ross (01159), John Ross (04000), Halla McLean (01145), Richard McLean (04126) - The Council considers that the any development of the site would be relatively small scale and of a nature that full time on-site supervision would not be required. The proposal is proposed by a local interest and given the proximity of the site to the main part of the settlement could be managed adequately without an on-site manager's house.

The allocation seeks to provide an opportunity for a tourism and employment generating opportunity. Consider that the Plan currently provides adequate safeguards in relation to requirements for habitat assessment and tree survey which will address concerns in respect of this issue.

Structure Plan Policy G2 has now been superseded by policies within the Highland-wide Local Development Plan, in relation to development of this site most notable are Policy 52 Principle of Development in Woodland, Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species, Policy 59 Other Important Species and Policy 60 Other Important Species. [CD1: Highland wide Local Development Plan, Policies 52, 57, 58, 59 and 60, pages 103, 111, 113, 114 and 114 respectively]

Development proposals will be assessed against these and other relevant policies to ensure any impacts are addressed and mitigated.

Given the acknowledged constraint of flood risk on the site it is likely that the bulk of the site will not be developed and the amenity value of the site will be largely unaffected. The Council consider that the requirements in place provide adequate safeguards to the development of the site. Accordingly, the Council believes the allocation should be retained without modification.

AR8 Nairn Road Industrial Estate Expansion

Fiona Getty (04234) - The allocation carries forward that contained within the existing Inverness Local Plan. While it is noted that the landowner does not wish this allocation to continue forward to the Inner Moray Firth LDP, however the Council considers that this area of land offers the only potential for the expansion of the industrial estate, as such wish to maintain the allocation with a view to a negotiated expansion of the site with the landowner. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. The representee seeks more description of the amenities needed for a growing village. Whilst it is realistic that a growing village needs more facilities I note that the allocation of the Memorial Hall seeks to address this perceived lack of community facilities. The recent development of a new general store/minimarket on the site of the former school is also a big step forward. New privately funded services will come forward as the market from them increases and in consequence further detailed allocation for these is not required in the plan.

AR2 South of Nairn Road

2. I note that the site is a long standing commitment in many of the preceding plans and with the lack of other effective sites of this scale within the village offers a longer term prospect of appropriate expansion of the village. I have every confidence that the planning system can prevent ransom strips. Similarly the protection of the amenity of nearby houses would be addressed with a specific planning application. There are no specific rights pertaining to the protection of a particular view and the effect of development on the value of property is not a material planning consideration.

3. The only real problem with development of the site for residential use appears to be dealing with the drainage of the site. SEPA are seeking a full Flood Risk Assessment (FRA) prior to allocation within the plan. I consider that there is sufficient likelihood of a

drainage solution being found for it to be safely regarded as a long term prospect for residential growth. It is sufficient to include the need for a full FRA as part of the site description.

AR3 Station Road

4. The representation seeks an intensification of the proposed housing development with a view to maximising the potential for social housing in the village. This would conflict with the overall objective of seeking a mixed use of the site to include some employment use. Given the central location of the site within the village and the proximity of other central facilities like the shop this aspiration for a more mixed use is logical. I therefore consider that the plan should not be modified.

AR4 Milton of Connage Farm

5. Support noted.

AR5 South of Cromal Terrace

6. The proposal is for the development of a single house on this main street frontage within the village conservation area. The site is within the village development envelope and I would normally consider it a proposal which could be covered by planning policy with respect to such development and its appearance within the conservation area rather than a plan allocation. Otherwise it seems a logical proposal for infill development.

7. The SEPA requirement for a full FRA prior to inclusion in the plan appears to me to be an onerous requirement for a single house allocation. Clearly given the location an FRA should form part of any subsequent planning application and that requirement is noted in the site description in the plan.

AR6 North of Village

8. The site offers the opportunity for small scale tourist development on the northern margins of the village. I accept that given the limited nature of the proposed caravan park there would not be the need for on-site supervision therefore the site need not accommodate a house. The site has been subject to some landscaping work to enhance its role as part of Ardersier Common. There is a parking place and information/interpretation boards for visitors about the flora and fauna on the site. Whilst there remains a need to protect this aspect of the site there should be the potential to accommodate green space/ tree retention as well as business and tourism as defined in the plan. The need for a tree survey, habitat assessment, access through the site and protection of the Inner Moray Firth SPA/Ramsar is already noted in the site description in the plan.

AR8 Nairn Road Industrial Estate Expansion

9. The main reason for inclusion of this site in the plan appears to be its inclusion in the existing adopted Inverness Local Plan. The adjacent existing industrial estate appears very underused with large areas given over to open storage of vehicles and materials. There is no convincing evidence in the plan of the current or recent demand for such an expansion and no extant proposals by the council to implement this proposal. This is clearly a long term ambition rather than a pressing need for an industrial land allocation.

10. The landowner makes a strong case as the local farm owner that she uses this land as part of the farm and that its loss would have serious implications for the viability of the farm. At this time she is not prepared to sell the land for that purpose.

11. I accept that it is a clear priority of the plan to secure sustainable employment to serve the needs of a growing local population. The site could well be utilised in the future for expansion of the adjacent industrial area. I consider however that it needs to be made clear in the plan that this is a longer term aspiration to be achieved in negotiation with the local landowner.

Reporter's recommendations:

It is recommended that the requirements for site AR8 be amended to read 'To meet any longer term expansion of adjacent industrial estate. To be implemented in negotiation with landowner. Consideration of the capacity of the existing vehicular access; planting to boundary to mitigate visual impact.'

Issue 28	Auldearn	
Development plan reference:	(Para 4.88, Page 98)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Will Downie (00242) Highland Small Communities Housing Trust (00430)		
Provision of the development plan to which the issue relates:	Auldearn	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>(00242) - Wishes inclusion of sites in the Plan these were considered too small previously, now note presence of small sites within Plan.</p> <p>(00430) - Wishes to see the identification of infill sites which are suitable for elderly provision near or on the main street and close to services.</p>		
Modifications sought by those submitting representations:		
<p><u>General</u></p> <p>(00242) - Seek inclusion of redundant steading as a potential site for 3 house sites, and the inclusion of the previous site of traditional steading at Torbeggie as a single house site, both located at Garblies Farm, Auldearn.</p> <p>(00430) - Inclusion of allocations for small infill sites for elderly provision.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>General</u></p> <p>The Plan seeks to identify a land supply to meet the overall housing land requirements for the Plan. Generally this has limited the need to identify smaller sites unless there were other factors to consider in their delivery. Smaller scale proposals can be brought forward and assessed on their individual merits against relevant policies within the Highland-wide Local Development Plan (HwLDP). [CD1: Highland wide Local Development Plan, Policy 28 Settlement Development Areas (SDA) and Policy 35 Housing in the Countryside for proposals outwith the SDA, pages 77 and 86 respectively] Policy 28 of the HwLDP supports development proposals within the defined boundary subject to compliance with other relevant policies and compatibility with existing development, pattern of development and landscape character.</p>		

Accordingly, the Council believes the settlement content should be retained without modification.

Reporter's conclusions:

1. One representation seeks to include two additional sites on the basis that on the guidance available at the consultation stage they were considered by the representee as too small. Noticing that other small sites have subsequently been included he considers that those itemised by him at Garblies Farm would be suitable and have the potential for delivery of another 4 houses.
2. The plan seeks to allocate sufficient land to meet the requirements of the Highland-wide Local Development Plan adopted in 2012. There is no pressing need for further allocation for housing in Auldearn beyond that identified in the proposed plan. Whilst I accept that Garblies Farm and the adjacent land at Torbeggie may be redundant to the need of agriculture that does not presume their inclusion as housing sites in the local development plan would be acceptable. As noted by the council such small sites where they fall within the development envelope of the village can be considered anyway, and where outwith the development envelope would be subject to the development policies of the Highland-wide Local Development Plan (HWLDP) regarding residential development in the countryside.
3. The Highland Small Communities Housing Trust seeks the identification of small infill sites close to the centre of the village to provide social housing for the elderly. These would be small parcels of land within the developed area of the village which could be identified throughout the plan period without requiring a special site allocation. Proposals for their development would be subject to the development policies of the HWLDP referred to above where there is a presumption in favour of residential development within established settlements. I conclude therefore that the plan does not need modification with respect to these matters.

Reporter's recommendations:

No modification.

Issue 29	Cawdor	
Development plan reference:	(Para 4.90, Page 100)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Cawdor & West Nairnshire Community Council (00273) Cathy Stafford (00511) Joan Noble (00879) The Trustees of The Cawdor Scottish Discretionary Trust (00984) Hugh Robertson (01027) Douglas & Pauline Fraser (01257) Phil Anderson (01259) Ian Moore (04025) Clive Moore (04046)</p>	<p>Fraser Douglas (04089) R J Thomson (04125) Margaret Gilchrist (04235) Halde Pottinger (04347) Victoria Pottinger (04348) Rosina Robertson (04365) Cawdor Community Council (04372) David Vaughan (04389) Cawdor Castle Ltd (04402) William Innes (04503) W E Innes (04517)</p>	
Provision of the development plan to which the issue relates:	Cawdor	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Lack of amendments to consultation comments</i></p> <p>Cawdor Community Council (04372) - Cawdor & West Nairn Community Council express disappointed that responses to IMFLDP MIR did not result in any material changes to the plan</p> <p><i>Cawdor Expansion</i></p> <p>Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273) - Residents welcome a degree of expansion, the proposed 600% increase considered by many as excessive. The proposed housing density is a further concern of residents who highly value the rural ambience of the area.</p> <p><i>A96 Growth Corridor Development Framework</i></p> <p>Cathy Stafford (00511) - Object to the bullet point which states, 'Expansion of settlement forms part of the wider growth strategy for the A96 Corridor'. It is clear that expansion of this number (over 300 new homes) is not the amount of development approved as part of the A96 Masterplan (a masterplan which was then set out in a 'concise strategy document', the A96 Growth Corridor Development Framework). This is a very important distinction and readers of the IMFLDP must not be left with the impression that the</p>		

numbers for the village arose as a direct result of the A96 masterplan work 'approval' A more detailed rationale for this objection can be found in the minutes of the Council meeting of Wednesday 14 March 2007.

Population growth

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - •Question the validity of the aspirational population growth figures and suggest that they be revised. In 2012, the annual gain from migration into the Highland Council area was only 87 as opposed to the projected annual gain of 1650 on which the IMFLDP was based. From 2013, there will be a natural decrease with more deaths than births. Plan should reflect the change in local demography.

Employment Opportunities

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089), Joan Noble (00879) - Existing permissions already granted between Inverness and Nairn is for around 10,000 houses but there is very little building activity taking place, questions the alleged "huge demand for housing in the area" allied to a disappointing number of job opportunities in contrast to Easter Ross where more of the housing growth should take place there. Allocation of use for housing is one thing, but business and retail? Increased unnecessary travel because there are insufficient local facilities and jobs, and the adopted local plan envisaged much lower growth. Inverness Airport Business Park is not attracting the companies to provide the job opportunities in the area.

Infrastructure Improvements

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - Along with the other Nairnshire CC consider there should be a different approach to long term plans for the IMFLDP, to take greater account of local knowledge/aspirations for the local area together with infrastructure to be in place and funded prior to development approval. •Use of the B9090 as an unofficial Nairn by-pass must defer any major expansion of villages like Cawdor until the A96 from Inverness to Nairn is made dual carriageway. Improvements to the B9090 will also be necessary and funded to cope with increased vehicle, cycle and pedestrian traffic prior to major building work taking place.

The infrastructure in the Nairn area needs to be in place and funded before any development gains approval.

Agricultural land

Cawdor Community Council (04372) - Objects to significant loss of areas of prime agricultural land

Impact on Conservation Area status

W E Innes (04517), William Innes (04503), Cawdor & West Nairnshire Community

Council (00273), Fraser Douglas (04089), Joan Noble (00879) - Believes that a high standard of design, finishing and use of materials should be demanded on any new development. The scale of development proposed at Cawdor will have an adverse impact on the conservation area, its listed buildings, a key tourist asset. Also Newton Road would not be suitable for any new development and access should be off the main road on to any development site.

Objections have been made to individual plan allocations and also grouped comments. These comments are arranged by comments on individual allocations followed by comments to grouped allocations.

CD 1 Old School Playground

Margaret Gilchrist (04235) - Believe that it should be possible to develop site CD 1 in a way which enhances the community in the village.

CD 1 Old School Playground & CD2 Opposite Old School

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389) - Sites CD1 and CD2 both represent an integral part of the green space that that is historic to and interwoven with, the structure of the village.

CD1 (the old school playground) is the space to which the other houses relate to around which the village was constructed or has developed and has always been accessible and open. It is the only such green space within the existing village and must be preserved and developed as such.

CD2 is the space that links the village to the Big Wood. The slope of the field leads right into the wood. It is historic rough grazing and borders close to the castle. The elevation would mean any development looked down on the village. It has important conservation value (e.g. barn owls feed here) and it has unique amenity value.

Both of these open spaces provide the context within which the village sits. The village is a compact settlement but it is also a ribbon development i.e. houses are built along the single street which winds around the playground and beside the field that CD2 is. If you remove these spaces the whole nature of the village is lost. Cawdor Village is hidden until you find it but then , because of the spaces it opens up. These green spaces are essential to preserve the uniqueness of this village.

Margaret Gilchrist (04235) - Concerned that development does not take place in a way which seriously damages or destroys the unique historic feel and look of the village. Believes that it should be possible to develop site CD 1 in a way which enhances the community in the village. Site is located in the centre of the village, protected by mature trees and other properties. An appropriately designed scheme, which retains the trees and the main stone buildings would not detract from the look and feel of the village. Very concerned about and oppose the proposed development of site CD 2 (opposite the old school). Development would destroy the current open aspect and relationship between the centre of the village and the historic Cawdor wood. The fact that the wood is directly visible and accessible from the centre of the village is a key aspect of the unique character and charm of the village.

CD2 Opposite Old School

Clive Moore (04046), Ian Moore (04025) - Objects to housing development; access road is single carriageway; bordered by existing period housing and by an ancient dry stone wall and meadow; improvement of road would be detrimental; the network of single track roads can not support increased traffic volumes; site is raised and development would be above the sight lines of the rest of the village and out of keeping. No explanation or evidence on appropriateness of housing development supporting 10 homes, density of housing is completely out of keeping. Development would block current public access to the Cawdor Woods and loss valuable open space. No account taken of opportunity to have housing development on the outskirts of the village and not damage the historical heart of the village. Concerned about impact on Cawdor Castle grounds and Cawdor Woods SAC. Development offers no benefit to the existing village inhabitants.

CD4 CD4 Cawdor expansion

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389) - Objects as the land is good quality farmland and should be preserved as such. Any building on this land would be visible from the Western approaches. The hidden nature of the village would be lost. The number of houses in this area alone would dwarf the existing village. A development here, on its own, is entirely out of keeping with the unique village that exists.

CD6 CD6 Cawdor expansion

R J Thomson (04125) - Objects to CD 6 Cawdor expansion southern boundry as this splits my house, Kirksyde Cottage in two and placing two thirds of my land within the CD 6 area designated as being for residential and business development. Obviously the house cannot be split so please correct your plan to reflect that my property, including the land, is not included in the site CD 6.

CD 9 – 10 Cawdor Expansion*Loss of agricultural land*

Hugh Robertson (01027) - Areas CD9&10 should be preserved as agricultural land as this land is tenanted by me and its loss will impact negatively on my farm business. As tenant I may well be faced with a costly legal confrontation with the landowner as I do not wish these strategic livestock areas to be removed from my tenancy.

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), William Innes (04503), Douglas & Pauline Fraser (01257), Fraser Douglas (04089) - Consider that whilst areas planned (CD1-8) for village expansion are owned and controlled by Cawdor Estates areas (CD9-10) are currently farmed by tenant farmers. Areas (CD1-8) are more easily assessable for the local school and other village services and are more suitable for a reduced level of expansion. Organic development along Newton Road is preferable in order to preserve the historic character of the road. Concerns on the access to development in the Newton Road area, not suitable for increased traffic or improvement. Would become a ribbon development and remote from main village with loss of trees and habitat between Newton Road and CD9.

CD11 Old Smithy*Support for allocation*

Cawdor Castle Ltd (04402) - Support for the inclusion of this site within the Plan.

CD3-10 Cawdor Expansion*Fragmentation of masterplan area*

The Trustees of the Cawdor Scottish Discretionary Trust (00984) - This objection concerns the Proposals Map and its representation of CD3-10. The Highland-wide Local Development Plan (adopted 2012) (policy 22) identifies a search area for Cawdor Expansion (masterplan). This was determined after Examination and endorsed by the Reporter.

The search area is identified as a whole and composite area; it is the principle on which a masterplan is to be prepared. This representation seeks that the whole and composite masterplan search area as identified in the Highland-wide Local Development Plan is carried through in the Inner Moray Firth Local Development Plan.

The Inner Moray Firth Local Plan fragments that whole and composite area into the piecemeal land parcels CD3-10, this distorts the principle of a whole and comprehensive masterplan.

Land previously identified as part of the search area in the Highland-wide Local Development Plan is omitted. For example, the grey shaded area on the plan to the south east of CD7 should be included within the mixed use area as this area has the potential to play a key and pivotal role in the new village centre at this location.

This representation seeks that the whole and composite masterplan search area as identified in the Highland-wide Local Development Plan is carried through in the Inner Moray Firth Local Development Plan because:

- the Inner Moray Firth Local Development Plan (Proposals Map) omits land included in the search area; no information has been provided to justify the omission of that land. If these omissions arise as a result of any concern for flood risk, then the Flood Risk Assessment lodged to support the outcome of the Highland-wide Local Development Plan indicates these areas not to be at risk.
- the Inner Moray Firth Local Development Plan (Proposals Map) insofar as it fragments the search area with development potential has no relevance to corresponding policy. The Plan does not differentiate the parcels CD3-11 in policy or refer to them independently, thus, the Proposals Map and the policy do not coincide but could unnecessarily restrict the masterplan from achieving its full
- a comprehensive approach is essential to securing the development plan objectives through a masterplan and its related public process, and is essential to respecting the character of the conservation village, design quality and coherent layout, a balanced land use mix, proper phasing of development, proper infrastructure planning, and a viable market proposition.

CD3-11 Cawdor Expansion

Impact on nature and character of village

Margaret Gilchrist (04235) - I am concerned that the extent of sites CD3 to CD11 may also have a very significant impact on the nature and character of the village. In all, the areas flagged for potential development are significantly larger than the current area of the entire village even over a 20 year period, would simply be too much for the current village to accommodate without the loss of the current charm and character would disappear. Understand that there is a need for development generally and understand that the existing community and facilities could support some growth but a reduction is required. Clearly there would also need to be a lot of work done on local infrastructure too. I feel that sites CD 3 to CD 11 should be developed with caution and only after detailed consultation with local residents and stakeholders.

Modifications sought by those submitting representations:

General

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - Revision of aspirational growth figures and consequent reduction in level of housing allocations in Cawdor.

Cathy Stafford (00511) - *Removal of reference to A96 Growth Corridor Development Framework.* Removal of bullet point, 'Expansion of settlement forms part of the wider growth strategy for the A96 Corridor'

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089)

Population growth

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Halde Pottinger (04347), Margaret Gilchrist (04235) - Reduction in number of houses required. Requirement for infrastructure upgrades prior to development taking place.

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389), Clive Moore (04046), Ian Moore (04025) - Removal of sites CD1 and CD2 for development.

Margaret Gilchrist (04235) - Removal of site CD 2 for development. CD 1 should be developed in a manner which is sympathetic to the historic surroundings of the central village.

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389) - Removal of site CD4 for development.

R J Thomson (04125) - Seeks redefined CD 6 Cawdor expansion southern boundry.

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), William Innes (04503), Douglas & Pauline Fraser (01257), Fraser Douglas (04089) - Removal of CD9 and CD10 for development.

The Trustees of the Cawdor Scottish Discretionary Trust (00984) - Change to the Masterplan boundary at Cawdor to reflect that of the Highland-wide Local Development Plan.

W E Innes (04517), William Innes (04503) - Seeks the inclusion of requirement for development to have a high standard of design, finishes and materials. Objects to any development of Newton Road.

R J Thomson (04125) - Change to boundary of CD 6 to exclude existing residence from development area.

Summary of responses (including reasons) by planning authority:

General

Lack of amendments to consultation comments

Cawdor Community Council (04372) - The Council note the concerns of the Community Council regarding lack of amendments to the Proposed LDP. However, Cawdor is currently allocated in the HwLDP [CD1: Highland wide Local Development Plan, Policy 22, pages 65-67] and is being carried forward as part of the continuing strategy for the Inner Moray Firth Proposed Local Development Plan(IMFPLDP) [CD6: Inner Moray Firth Proposed Local Development Plan, pages 100-102]. The principle of development on the site has been established and tested through the HwLDP plan process. The HwLDP sets out a phasing plan which is considered to be proportionate and in line with the need to provide for a generous land supply, with the replication of this phasing in the IMFPLDP to continue to meet the housing land requirements of the Council's Housing Need and Demand Assessment. The site is subject to a detailed masterplanning exercise which is an ongoing process with opportunities for community input. Representations have been received on the impact of this development on a range of infrastructure issues, including transport, drainage and community facilities. The developer requirements set within the Plan seek to address many of the separate concerns raised in respect of impact of development.

Cawdor Expansion

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - Cawdor expansion forms a role in the expansion of smaller existing settlement to support the growth of the Inverness to Nairn strategic growth area. The Plan requires the preparation of a masterplan to support the major development of Cawdor for the wider expansion of the village, the phasing of development, managed appropriately, and with the developer requirements having been met, is regarded as being an acceptable level of development.

A96 Growth Corridor Development Framework

Cathy Stafford (00511) - In response to comment the reference to the A96 corridor refers to the growth area between Inverness and Nairn and not to the now superseded *A96 Growth Development Framework (A96 GDF)* [THC CA-GEN1 A96 Development Framework] nor should that be inferred. The A96 GDF has largely been replaced by the Highland-wide Local Development Plan (HwLDP). The emergence of the IMFLDP will also outdate the detailed provisions of the HwLDP. Changes to matters of detail to earlier Plans and documents represents a moving forward of the principle of development.

Population growth

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - In regards to the continued validity the Council consider that the Council's approach is still in line with national policy. The Scottish Government's policies for population growth and new housing were expressed in a consistent manner through a series of policy documents including its Firm Foundations, Economic Strategy, and NPF2. [THC CA GEN2 Firm Foundations extract, THC CA-GEN3 Economic Strategy 2011 extract, THC CA-GEN4 National Planning Framework2 extract] This principle has also been carried forward to Scottish Planning Policy and the guidance for preparation of a Housing Need and Demand Assessment (HNDA) [THC CA-GEN6 HNDA extract and Centre for Housing Market Analysis letter], eg

HNDA Guidance Page 44

Partnerships will also want to ensure that development planning embraces Government's aspirations for Scotland, reflected in targets for greater economic and population growth, that imply higher overall household growth than current projections indicate. Planning for housing should reflect the need to accommodate this.

The Council's HNDA has complied with these policy requirements and been assessed by the Government's Centre for Housing Market Analysis [THC CA-GEN6 HNDA extract and Centre for Housing Market Analysis letter] letter as being robust and credible. The HwLDP and now the IMFLDP takes a long term view and we aim to provide a firm housing supply over the full 20 year planning period. Analysis of the UK economy shows that it tends to be cyclical with a typical period of 10 to 20 years, and it is inevitable that we will see periods of both high and low growth (and possibly also recession) during a long planning period such as this. The Council believes that the current low rates of net inward migration are part of a cycle, and that the positive economic prospects for Highland mean we will see a return to higher levels during the 20 year period covered by the Plan. The issue of Housing Requirements and Growth Assumptions is considered more widely in Issue 2: Guiding and Delivering Schedule 4.

Employment Opportunities

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273) , Joan Noble (00879) - It is acknowledged that there is a significant growth in job opportunities in the Easter Ross area and the Plan provides a generous supply of housing land in response. In relation to emerging employment opportunities in closer proximity to Cawdor. It should be noted that the majority of allocations in Cawdor have indicated the potential for a mix of uses including those that for employment generating uses. In regard

to comments relating to the scale of employment requirement for the area the Inverness Airport Business Park (IABP) has a planning permission in place for the wider development of the Business Park and has recently received permission to provide road access to the first phase of development. Although development of the IABP has yet to formally commence it is not inappropriate to identify the potential for the availability of employment opportunities in the immediate locality of the Tornagrain development. The “start-up” of a new business location is likely to take time but this does not mean that there is no progression towards the ultimate aim of attracting business and employment to the Park. It should be noted that the emerging National Planning Framework 3 [THC CA-GEN7 National Planning Framework3 Draft extract] intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area. It may be appropriate to identify this point within the Transport section of Guiding and Delivering Development chapter. The Inverness to Nairn Growth corridor is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The Inverness to Nairn area contains a variety of emerging new employment areas, outwith Tornagrain itself, that will provide the economic and jobs growth, these include the Inverness Campus and Ardersier Port (Whiteness). If the Reporters feel it appropriate, then the Council would support inclusion of a reference to the upcoming national Development status of Inverness Airport.

Infrastructure Improvements

Rosina Robertson (04365), Hugh Robertson (01027), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089) - In regard to the concerns raised regarding the wider road network and general infrastructure improvements no objections have been received from Transport Scotland in relation to strategic transport implications or from Scottish Water in respect of wastewater treatment or water supply capacity. It is acknowledged that there is usage of the minor road network and this is likely to persist until the delivery of A96 (T) improvements. The Transport Appraisal [THC CA-GEN8 IMFPLDP Transport Appraisal extract] carried out by the Council to support the development of the Plan was modelled on the full level of development being delivered over the Plan period did not identify any major issues that could not be addressed Local road improvements and contribution to wider strategic improvements will be required.

Development applications will be required to provide improvements to services and infrastructure and will either subject to planning condition or through the requirement to enter into legal agreement. The delivery of improvements are generally tied to the progression of development with bars to further development until provisions are met.

Agricultural land

Cawdor Community Council (04372) - In relation to the loss of areas of prime agricultural land, Scottish Planning Policy states that development on prime agricultural land will not be permitted unless it is an essential component of the settlement strategy. Cawdor forms a role as a component of the Inverness to Nairn Growth Strategy that will help to work towards meeting the requirements to for the identified housing need and demand.

Impact on Conservation Area status

W E Innes (04517), William Innes (04503), Cawdor & West Nairnshire Community Council (00273), Fraser Douglas (04089), Joan Noble (00879) - Concerns have been

raised regarding the impact of development on the important features of the conservation area. The Council's intention is to prepare a Conservation Area Management Plan and also Supplementary Guidance that will provide advice on appropriate scale, massing, location and use of materials and consider the most appropriate form of development whilst mitigating any impacts on the Conservation area.

Objections have been made to individual plan allocations and also grouped comments. These comments are arranged by comments on individual allocations followed by comments to grouped allocations.

CD 1 Old School Playground

Margaret Gilchrist (04235) - CD1 offers the potential to achieve the redevelopment of the old and school and the potential for development within the former school grounds subject to consideration of the surrounding areas in the design and scale of development. Accordingly, the Council believes the allocation should be retained without modification.

CD 1 Old School Playground & CD2 Opposite Old School

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389) - Both sites form part of the wider masterplan framework for Cawdor as included in Policy 22 of the Highland-wide Local Development Plan [CD1: Highland-wide Local Development Plan, Policy 22, page 65] therefore the principle of development is now established. CD1 offers the potential to achieve the redevelopment of the old and school and the potential for development within the former school grounds. CD2 is currently undeveloped but development already exists to the south of the road and the Council consider there is potential for a small scale well designed housing development on this site. Both sites lie within the conservation area and would need to observe attention to design and layout in any proposed development. The Council's intention is to prepare a Conservation Area Management Plan and also Supplementary Guidance that will provide advice on appropriate scale, massing, location and use of materials and consider the most appropriate form of development whilst mitigating any impacts on the Conservation area. It is noted that CD1 does include the Cawdor Playground within the site extent, it is intended that this should be retained and integrated within any development proposals. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

CD2 Opposite Old School

Clive Moore (04046), Ian Moore (04025) - It is acknowledge that this is a particularly sensitive site which is currently open in nature, with the existing pattern of development concentrated to the other side of the road. Developer requirements will therefore outline the need for sensitive design in keeping with this location. The higher density of development proposed The design of development can also take into account the requirement to retain access to Cawdor Wood, a requirement to maintain access to the wood may be an appropriate addition to the existing developer requirements. If the Reporters feels that clarification would be appropriate then the Council would be content with the suggested additional developer requirement.

CD4 CD4 Cawdor expansion

Halde Pottinger (04347), Victoria Pottinger (04348), David Vaughan (04389) - In terms of

the loss of agricultural land, the approach taken by the Council in preparing the HwLDP reflects that outlined in the consolidated Scottish Planning Policy 2010 [THC CA-GEN5, para 97] document. This states that development on prime agricultural land will be acceptable where it is an essential component of the settlement strategy, Cawdor expansion forms a role in the expansion of smaller existing settlement to support the growth of the Inverness to Nairn area. Aligned to the preparation of a masterplan for the wider expansion of the village, the phasing of development, if managed appropriately, and with the developer requirements having been met, is regarded as being an acceptable level of development.

CD6 CD6 Cawdor expansion

R J Thomson (04125) - In reference to the inclusion of the residential property in CD6 as part of a wider area of development in that general area, it is not the intention that that part of the allocation is redeveloped but as a visual cue to the context for the wider development of the site. It is considered that it is not, however, necessary for the property to be included solely for this purpose and it may be appropriate to remove it from the site extent. The Council's intention is to prepare Supplementary Guidance that will provide advice on appropriate scale, massing, location and use of materials and consider the most appropriate form of development whilst mitigating any impacts on the Conservation area. The Council would support a change to the defined site boundary should the Reporters wish to recommend it.

CD 9 – 10 Cawdor Expansion

Loss of agricultural land

Hugh Robertson (01027), Rosina Robertson (04365), Phil Anderson (01259), Cawdor Community Council (04372), Cawdor & West Nairnshire Community Council (00273), William Innes (04503), Douglas & Pauline Fraser (01257) - The Council appreciates the concerns of the tenant farmer and others in relation to the potential loss of agricultural land – it should be noted however that this land is part of a wider allocation with the detail of specific areas of development to be determined through the full development of the masterplan. The Council acknowledge the position on the tenant farmer but we have no direct influence over land tenancy agreements. The preparation of the masterplan to inform the development options in Cawdor will identify issues relating to provision of services and infrastructure related to development progression and also to the potential mix of development types including those for employment generation. Accordingly, the Council believes the allocations should be retained without modification.

CD11 Old Smithy

Support for allocation

Cawdor Castle Ltd (04402) - Support noted.

CD3 - 10 Cawdor Expansion

Fragmentation of masterplan area

The Trustees of the Cawdor Scottish Discretionary Trust (00984) - The overall settlement boundary for development at Cawdor covers the same extent as that of the Highland-wide

Local Development Plan. The depiction of potential development sites illustrates the potential development sites within the settlements whilst clearly depicting the open space areas that should be protected from development. The allocation is segregated in order to provide greater detail and certainty than that of the HwLDP, equally the identification of land parcels provides a better basis for the submission of comments to the principle of development on individual parcels of land. The seventh bullet at para 4.90 of the IMFPLDP clearly refers to the the need for a masterplanned approach to larger scale development

The text relating to sites CD3 to CD 10 is also clear that the Council expects the preparation of a Masterplan to guide development which would have to examine the relationship of the development areas to the entire settlement extent and therefore does not compromise the ability to prepare a masterplan for the entire settlement. The text does indicate that the preparation of the masterplan should involve the local community, this should adopt a collaborative approach towards masterplan delivery. The observation regarding the omission of an area of land to the east of CD7 does relate to the impact of flood risk on the site as indicated in the SEPA flood maps.[THC CA-GEN9 SEPA Flood Map extract] Acknowledge the submission of a Flood Risk Assessment (FRA) but this has yet to be the subject of sign off from SEPA and the Council's Flood Team. Comments from SEPA to the submission of the FRA [THC CA-GEN10 SEPA FRA comment extract] did raise questions in regard to the extent of Cawdor settlement intended to be covered by its conclusions. In addition SEPA have now released their new iteration of flood mapping this indicates a wider extent of flood risk across the site and does raise issues with regard to the extent of flood risk in the settlement. The Council consider that the requirement for a FRA to inform the extent of the entire development area is appropriate. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

CD3-11 Cawdor Expansion

Impact on nature and character of village

Margaret Gilchrist (04235) - It is the Council's position that the facilities, services and infrastructure in the village are considered to be sufficient (with any appropriate mitigation) to accommodate the additional levels of growth in the short to medium term. Aligned to the preparation of a masterplan for the wider expansion of the village, the phasing of development, if managed appropriately, and with the developer requirements having been met, is regarded as being an acceptable level of development. In regard to the impact on the character of the village the Council's intention to prepare a Conservation Area Management Plan and also Supplementary Guidance that will provide advice on appropriate scale, massing, location and use of materials and consider the most appropriate form of development whilst mitigating any impacts on the Conservation area. Accordingly, the Council believes the Plan should be retained without modification in respect of these comments.

Reporter's conclusions:

General

1. There are a range of representations which seek to have a review of the population projections for the housing market area and the removal of an assumption about the

expansion of the settlement forming part of the A96 growth corridor. The preparation of the Inner Moray Firth Local Development Plan (IMFLDP) has incorporated the population growth estimates for the area and seeks to establish a land supply for the plan period. The growth projections were an integral part of the findings of the Highland-wide Local Development Plan (HWLDP) which was adopted in 2012. Whilst it is accepted that growth levels have decreased due to the current economic recession and that in-migration may well have dropped to a low level in 2012 it is too early to predict that this is a long term trend. Overall housing need is affected by factors other than natural population growth and in-migration including such factors as household formation. In Issue 2 of this examination it is explained that the growth projections and indicative land supply requirements in the adopted HWLDP are accepted as remaining appropriate for this plan. I note the council's comment that the population growth and land supply data incorporated in the plan are not carried over from the A96 Growth Corridor Development Framework 2007 which has been superseded by the adopted HWLDP.

2. The HWLDP also set out a phasing plan aimed at securing a generous housing land supply. This is carried forward into the IMFLDP. I note that the substantial sites allocated for housing growth in the Cawdor village area will be subject to a master planning approach and that the council anticipates further community involvement during preparation of that masterplan.

3. The settlement growth strategy for Cawdor will inevitably result in a loss of some prime agricultural land, the subject of concern to the Cawdor Community Council and other respondents. Although Scottish Planning Policy presumes against the loss of such land the exception is where it forms part of a recognised settlement strategy. The Cawdor settlement strategy has been adopted in the HWLDP and the need for a generous supply of housing land is a key component of the growth strategy for the Inverness – Nairn growth area.

4. As regards employment opportunities, the growth identified by the HWLDP is concentrated on both the Easter Ross area and the Inverness to Nairn corridor. These have been identified for growth for different reasons and to make use of different opportunities. They are therefore not interchangeable with displaced growth transferring from one to the other as suggested in representations. It is important that job opportunities are created in both areas, phased to coincide with the planned settlement growth.

5. Projections for employment and business growth in the Inverness – Nairn corridor are identified in the HWLDP. These have been carried forward into the IMFLDP with growth identified for the sites around Inverness Airport, Tornagrain, Inverness Campus and Ardersier Port at Whiteness. Further job opportunities are predicted from the development of the land around Cawdor itself which is allocated for a mix of uses including employment and business opportunities. The plan allocations for these employment generating activities are planned to generate jobs on a phased timescale keeping pace with the projected increased population within the Inverness – Nairn Growth area. This is in line with the HWLDP and the National Planning Framework which seeks to promote Inverness Airport and the employment opportunities which are planned for the nearby Inverness Airport Business Park. Whilst the council are willing to modify the plan to include a reference to the upcoming national development status of Inverness Airport I do not consider this necessary as the role of the airport and the business park are adequately justified elsewhere in the plan.

6. Representations express concern over the need for improved road infrastructure before planning approvals are given for the housing growth envisaged in the plan. In particular there is concern over increased use of the B9090 until such time as the planned dualling of the A96(T) Nairn By-pass becomes operational. It is an inherent characteristic of the plan that there will be a phased approach to implementing the growth planned for both Cawdor and Nairn and that the need for improved highway infrastructure matches the anticipated growth. I note that the transport appraisal carried out by the council in support of the plan was modelled on the full level of development being delivered over the plan period and that no major issues were identified. I have no reason to consider that this appraisal does not take account of both local road improvements which would be necessary as well as the wider strategic implications of the planned A96(T) improvement.

7. There are a number of representations regarding the impact of the proposed growth of Cawdor on the village conservation area. I note the council's intention to prepare a Conservation Area Management Plan and Supplementary Guidance to provide advice on development within the conservation area. Development policy in the HWLDP together with the supplementary guidance arising from the conservation area management plan should enable both a definition of the key aspects of the character and appearance of the conservation area critical to its protection, and provide advice on the appropriate scale, massing and materials for future development proposals within, or near, the conservation area. These measures taken together with the duty to preserve or enhance the character or appearance of a conservation area contained in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, should provide sufficient protection for the conservation area.

CD1 Old School Playground and CD2 Opposite Old School

8. These two housing sites are the only land allocated for development within the confines of the existing developed area of the village. There are concerns that these open spaces are an ancient and integral part of the village character. CD1 is seen as the focal point around which the village developed and CD2 as traditional rough grazing land rising up from the centre of the village, development of which would irrevocably change the character of the village and cut off access to Big Wood. CD2 would also require access along the single track roads through the village which would be unable to cope with traffic arising from the additional housing. Those making those representations about them seek a modification to ensure they are protected open space, whilst another representation accepts that it may be possible to partly develop CD1 but opposes totally the development of CD2 for the same reasons noted above.

9. Both sites were identified in the HWLDP and for the reasons given above the housing land supply requirements of that plan are still considered relevant to the IMFLDP. The principle of development is already established. However both sites are undoubtedly in very sensitive locations in the centre of the village and within the village conservation area. CD1 clearly offers the potential for development of the old school and its grounds and utilisation of this formerly utilised land could offer an opportunity for enhancement of the character of the village centre and the conservation area. The council note that the site contains the Cawdor Playground which they intend should be retained and integrated within any development proposals. To that end I consider that it would improve clarity of the plan were this ambition to be added to the site requirements section of the plan.

10. Site CD2 is somewhat more problematic. It is currently undeveloped and forms a key open space within the heart of the village. It rises above the single track road through the

village and has the potential to be a visual intrusion in the conservation areas. However, as noted by the council, the principle of development is already established in the HWLDP. Lying within the conservation area any development would have to comply with conservation policy, the conservation area management plan, supplementary guidance and legislation noted above. I am therefore confident that the character and appearance of the conservation area can be protected. Whilst the land is currently open there is additional open ground higher up the hill behind the proposed housing site which would retain the open aspect in the centre of the village. Access to big Wood is not affected by the development proposals as there is alternative access nearby. The access by road is open at both ends through the village and although single track I do not consider the addition of 10 houses to be an insurmountable obstacle to development. The precise means of resolving this issue can be handled at the detailed planning stage or as part of a site masterplan. In consequence I consider that the site can be retained in the plan without modification.

CD 3-11 Cawdor expansion

11. The trustees of the Cawdor Scottish Discretionary Trust are concerned that the principle of development established in the HWLDP is being compromised by the division of the master plan area into the development sites CD 3 – 10. I note that the overall settlement boundary for Cawdor is the same as that established in the HWLDP and that the need for a masterplan approach to the development of these parcels of land is clearly established in the plan. I am confident that this gives adequate scope for the preparation of a masterplan encompassing the whole settlement and that community participation in the preparation of such a masterplan will ensure community involvement.

12. The concerns expressed in representations about the significant impact on the nature and character of the village as a result of the major growth can also be accommodated within the master planning approach to the development of these sites over the plan period. Additional infrastructure requirements will be identified and work undertaken to ensure their provision in concert with the development of each site.

13. I note that the omission of an area east of CD7 from the HWLDP anticipated development area is due to identified flood risk the details of which have emerged since its consideration as part of the HWLDP. In consequence it casts doubt on the site availability within the plan period.

14. In addition to these general comments about the expansion area CD3 – CD11 there are a number of representations about individual sites as follows.

CD4 and CD9 and CD10 Cawdor Expansion

15. Concern has been expressed about the loss of good quality farmland. As noted above where the site is a key element in the settlement strategy of the local development plan, as these sites are with respect to the adopted HWLDP, then the development proposed is of a higher priority than the preservation of the land for agriculture. Specifically with respect to sites CD9 and CD10 the current tenant farmer objects to the potential loss of this land to agriculture. I accept that this may mean the development of this land, but the principle of development is already established in the HWLDP. The future of the tenancy is a matter between the tenant and the owner and not a matter for the local development pan.

CD6 Cawdor Expansion

16. The boundary of this site bisects the site of Kirksyde Cottage. The council accepts that this is an anomaly. I therefore consider it should be removed from the development area.

Reporter's recommendations:

It is recommended that:

1. The following sentence be added to the requirements for site CD1: 'The existing Cawdor Playground to be retained within the site.'
2. The boundary of site CD6 be modified to remove the area of Kirksyde Cottage.

Issue 30	Croy	
Development plan reference:	(Para 4.97, Page 103)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
C Stafford (00511) Andrew Cartmell (03964) Peter Chart (04090) Michael Meehan (04151) Brenda Meehan (04153)	Caroline Walford (04194) Mary Harrison (04247) Gregory Tough (04385) Croy & Culloden Moor Community Council (04506)	
Provision of the development plan to which the issue relates:	Croy	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Participation in process</i></p> <p>Croy & Culloden Moor Community Council (04506) - Suggest that the local community is involved at the start of the process, instead of being asked to comment on proposals which are already in place. Of two meetings in the village concerning development each meeting attracting approximately 100 and of 50 people there was opposition to a development proposal and little or no support for the plan.</p> <p><i>Scale of development and phasing</i></p> <p>Croy & Culloden Moor Community Council (04506) - Two housing sites in the area already, which remain mainly undeveloped land, do not want the whole area to be a building site for many years. The scale of housing proposed for site CR2 could lead to the same. The plan for over 180 new homes means doubling the size of the existing village over a relatively short time, this should not happen. Phasing should be over a far longer period to allow the community to settle in.</p> <p><i>Site capacities</i></p> <p>C Stafford (00511) - Objects to the reference in the context of: Paragraph 2.12, 'Site Capacities' considers that site capacities should be indicative and suggests that in line with other settlements where descriptions are more flexible such as in Nairn 'Capacity for around 1990 new homes'; Tornagrain, 'Capacity to accommodate around 2,500 new homes till 2031. Considers that the bullet point, 'Capacity for over 180 new homes' should be replaced by, 'Capacity for around 180 new homes'.</p>		

Natural Heritage

C Stafford (00511) - Objects to the text at Croy paragraph 4.99 which should be rewritten as the text fails to note that areas of Croy village and CR1 are part of the Kildrummie Kames Esker system and have submitted suggested redrafted text. [Kildrummie Kames extract from Geological Conservation Review supplied 00511 CR-GEN 1]

C Stafford (00511) - Seeks both an addition to and an alteration of paragraph 4.97, page 103. I seek the addition of the following bullet point; the bullet point uses the same wording as appears for Policy 20, Croy Expansion', in the HwLDP • 'Avoidance of any adverse effects on the integrity of the Loch Flemington SPA and Kildrummie Kames SSSI'

Croy & Culloden Moor Community Council (04506) - In relation to Site CR2 support the SPA designation of Loch Flemington, it is a significant part of the catchment of the Loch and we feel that the Supplementary Guidance detailed in Policy 5, should be part of the IMFLDP, we are reassured that the planners have addressed the importance of the loch. A large part of the site CR2 is wet and will clearly restrict the number of houses that we feel could go on this site.

Settlement inclusion in Strategy

C Stafford (00511) - Objects to the fact that the settlement at Croy is seen as a part of the wider growth strategy of the A96 Corridor and seek that the Settlement at Croy should no longer be regarded as part of the wider growth strategy of the A96 Corridor. There is no specialist 'A96 Corridor Developer Contributions Protocol' in place as yet, despite it being described as a prerequisite for development in the A96 Corridor and it being listed in the HwLDP. Although Inverness and the Inner Moray Firth' appears as an 'Area of Co-ordinated Action' the main focus of the relevant NPF3 MIR section appears to be on the improvements to transport connectivity to facilitate the delivery of buildings for homes and jobs. The NPF3 section also covers things like, 'sense of place, environmental quality and community wellbeing; alongside recognition of the benefits to be gained from key sectors of tourism, food and drink and energy. The NPF3 MIR records that, 'Meeting our housing requirements will need delivery of a great many development proposals, from small to large, right across Scotland. Given the scale of this requirement, we do not think it is appropriate for NPF3 to single out for priority any particular developments on the sole or principal basis of their contribution to meeting housing need'. here is now no reason why, and I make these comments in the context of the statement made at paragraph 1.7 page 8 of the 'Introduction' section of the IMFLDP, 'Any allocation and text in the adopted HwLDP that relates to sites within the Inner Moray Firth Area will be updated by this plans content.' Croy's relationship to the A96 corridor should not now be redefined.

Employment opportunities

C Stafford (00511) - Objects to the assertion that the Inverness Airport Business Park (IABP) will be in a position to provide employment opportunities locally given the current lack of progress in attracting business development on the site. In the absence of evidence that employment opportunities will be available in the next 5 years the reference should be removed from the Plan.

Scale of Development, impact on Infrastructure and Services

Gregory Tough (04385) - The potential number of 180 new homes in Croy is far too much

and will totally change the character and social dynamics of the village, which will become a sprawling semi-town with no real identity. Concerned about the enormous increase in traffic levels in the village and on the B9006 and the impact this will have on travellers and residents as a result of increased noise and pollution levels from the greater majority of people travelling to and from leisure activities, school and work. Employment opportunities here are very limited. Question the impact of the planned development on the local primary school and whether this will cope with increased demand for places. Existing sewage and water treatment facilities will be inadequate and have concerns over the environmental impact of extending provision on residents here and on the water quality of Loch Flemington. The planned changes will do untold damage to a lovely village. A smaller increase in numbers to 40 - 50 homes will be more acceptable.

Mary Harrison (04247) - Development in the village will increase numbers of elderly people and young families and there is no easy way to get from Croy to the local GP surgery or dentist, consideration should be given to this issue . The road system is inadequate. transport infrastructure should be in place before further development is allowed. Accept that development in Croy is inevitable, it is important that the necessary infrastructure, sewage water etc are in place and that the development is in keeping with the village. As a rural community and new housing should be low density in keeping with its surrounding. The community must be allowed to assimilate a new phase, before more is added. The threat of having the village as a 20 year building site is not appealing. As the community increases amenities for the youngsters, especially teenager needs to be provided, especially as there is not public transport in the evenings.

Croy & Culloden Moor Community Council (04506) - The Community Council does not object in principle to house building in the village, provided that the infrastructure is in place and that development fits into a rural situation and is in proportion to the existing size of the village. The plan, as it stands, does not address issues such as; condition of road to Coul roundabout; increase in traffic to UHI junction and Inshes roundabout partly as consequence of Tornagrain early phases utilising Croy School; increase in vehicle movements in conflict with sustainability; limited employment opportunities; encouragement for increased walking to school; seek assurances on road improvements being implemented by developer.

Housing types

Croy & Culloden Moor Community Council (04506) - Is it possible, apart from the usual affordable homes, to include some provision for sheltered accommodation?

CR1 East of B9006

Natural Heritage

C Stafford (00511) - Objects to the text at Croy site CR1 which should be rewritten as the text fails to note that areas of Croy village and CR1 are part of the Kildrummie Kames Esker system. Seeks addition of sentence to end of site text, "Development proposals for site CR1 should take into account the IMFLDP Policy 5 and site CR1's potential proximity both to the Croy Burn and to the Croy section of the Kildrummie Kames esker system". [Kildrummie Kames extract from Geological Conservation Review supplied 00511 CR-GEN 1]

Requirement for site and impact of development

Andrew Cartmell (03964) - Believes that the building of 35 houses on site CR1 will have a negative impact on the village, with concerns about the wider access roads, internal access and drainage issues. Major housing development is proposed at Tornagrain why is there a need to ruin the centre of Croy.

Brenda Meehan (04153), Michael Meehan (04151) - Believes that site CR1 should remain as green field, preserving the pleasant rural aspect of the village. Badgers are present in the area, appropriate survey work is required to take into account all aspects of badger activity. There are currently two sites already under development, CR2 and at Torran Beag, this is enough expansion for Croy.

Site capacity and density

Caroline Walford (04194) - The Highland Council Planning & Development Service produced the IMFLDP Housing Land Requirement Background Paper in November 2013. The Background Paper includes a Capacity Calculation Methodology for Housing Sites not in HwLDP. This methodology gives a density figure for 10 units per hectare "where the settlement/parts of the settlement is characterised by low density development". Parts of Croy are characterised by low density development. The 40-house development completed by Scotia Homes in 2008 (the most recent large-scale development in the village) was built at a density of 10.3 units per hectare. The individual houses around the south-east corner of site CR2 are built at a similar density, as are those to the south and east of site CR1. Thus, the appropriate capacity of the 2.5 hectare site CR1 is therefore 25 houses.

Proximity to sewage treatment works

Croy & Culloden Moor Community Council (04506) - The boundary is very close to the sewage works (which may need to be enlarged/upgraded). It is undesirable to put any part of the development so close. Also suggest the number of houses proposed should be reduced as together with the first phase of site CR2, could increase the village by 50%.

Ground Conditions

Croy & Culloden Moor Community Council (04506) - A large part of the site CR2 is wet and will clearly restrict the number of houses that we feel could go on this site.

Natural Heritage

C Stafford (00511) - Seeks amendment of site CR2 text to reflect that a significant proportion of the 'Mixed Use: Site CR2 West of primary school' specifically lies within the Kildrummie Kames Esker system, has submitted redrafted requirement text that also requires the Council to prepare a Development Brief for the site. [Kildrummie Kames extract from Geological Conservation Review supplied 00511 CR-GEN 1]

Requirement for site

Brenda Meehan (04153), Michael Meehan (04151) - Believes that 180 houses is too many for Croy to remain a small village, it would become a small town. There will be a town very close by at Tornagrain, so there is no need for such a large development at Croy. There

are currently two sites already under development, CR2 and at Torran Beag, this is enough expansion for Croy. Site CR1 should remain as green field, preserving the pleasant rural aspect of the village. CR2 should be developed further with a maximum of 50 houses to link the village with the existing development at Ardgowan.

Peter Chart (04090) - Believe that the figure for housing numbers for Croy are excessive, would support a lesser allocation as long as there is a demand for housing considering all the other proposed developments in the area. Do not consider that it is acceptable to have continuous housing development over the next 20 years.

CR2 West of primary school

Site capacity and density

Caroline Walford (04194) - The Highland Council Planning & Development Service produced the IMFLDP Housing Land Requirement Background Paper in November 2013. The Background Paper includes a Capacity Calculation Methodology for Housing Sites not in HwLDP. This methodology gives a density figure for 10 units per hectare "where the settlement/parts of the settlement is characterised by low density development". Parts of Croy are characterised by low density development. The 40-house development completed by Scotia Homes in 2008 (the most recent large-scale development in the village) was built at a density of 10.3 units per hectare. The individual houses around the south-east corner of site CR2 are built at a similar density, as are those to the south and east of site CR1. Using the Council's own methodology and at a housing density of 10 units per hectare, the capacity of site CR2 is therefore a maximum of 114 residential units. [Plans(2) of site and development considerations, 04194 CR2-1]

Phasing

Caroline Walford (04194) - The phasing of site CR2 is front-loaded, in that two-thirds of the development is to be completed by 2021, and the remaining one-third of the development by 2031. This contrasts to Tornagrain, where 2.5 times as many homes are built in the second decade compared to the first decade, and where few employment opportunities are created until the period 2021-2026, Table 1 (attached). [04194 CR2-2 Submitted phasing Tables 1-3] The IMFLDP acknowledges in paragraph 4.98 that "local employment opportunities will continue to be limited and strong connections to local employment centres will be important, especially the nearby proposed new settlement of Tornagrain and also the Inverness Airport Business Park". Given the special importance of Tornagrain as a local employment centre, development of site CR2 should be delayed until sufficient employment opportunities in Tornagrain have been created. In the absence of sufficient employment opportunities in Tornagrain and at the Airport Business Park, residents of Croy will have to seek employment in Inverness or Nairn.

The Reporters to the HwLDP determined that development of Croy was sustainable because local employment would be available at Tornagrain and the Airport Business Park. They rejected the proposed expansion of Culloden Moor on the grounds that "housing development on the site would be likely to increase commuting. This would not accord with Scottish Planning Policy". Culloden Moor is much closer to Inverness than Croy, and if the Reporters regarded it as being an excessive commuting distance from Inverness, then Croy would certainly be too remote to be considered sustainable as a commuter dormitory for Inverness.

In order for new residents of Croy to be able to find employment in Tornagrain and seek a delay to the development phasing of site CR2 as shown in Table 2 (attached). [04194 CR2-2 Submitted phasing Tables 1-3]

If this is not possible, because the development period for Croy would extend beyond the end of 2031, then I seek an alternative (though less appropriate) development phasing of site CR2 as shown in Table 3 (attached). [04194 CR2-2 Submitted phasing Tables 1-3] Believes that text relating to CR2 would read with more clarity as follows: "Development of the site should be phased over the period 2011 to 2031 with development progressing at a prescribed rate of no more than 50 homes delivered in each 5 year period from 2011 to 2021, and 25 homes delivered in each 5 year period from 2021 to 2031". This accurately reflects the phasing set out in the HwLDP.

Modifications sought by those submitting representations:

General

C Stafford (00511) - Removal of the following text from paragraph 4.98 Page 103, '...especially the nearby proposed new settlement at Tornagrain and also the Inverness Airport Business Park.' and the addition to the same paragraph '...and in order to facilitate non-car travel a shuttlebus, for which developer contributions will be sought, will provide a connecting service between Croy and the rail halt at Dalcross.'

C Stafford (00511) - Seeks change to text at Croy paragraph 4.99 to be rewritten as: 'Croy lies within the catchment of the Loch Flemington Special Protection Area. Loch Flemington, along with some land in Croy village, forms part of the Kildrummie Kames SSSI/Flemington Esker system and eskers are vulnerable to groundwater pollution due to the porosity of the sand and gravel. Further, the Croy Burn, which arises from field drains in the village, is the only surface water input into Loch Flemington. To avoid any detrimental effect, on the water quality of the loch development, proposals will be required to comply with Policy 5 of this Inner Moray Firth Local Development plan.'

Gregory Tough (04385) - Reduction in the number of houses planned.

C Stafford (00511) - Seeks both an addition to and an alteration of paragraph 4.97, page 103. I seek the addition of the following bullet point; the bullet point uses the same wording as appears for Policy 20, Croy Expansion', in the HwLDP • 'Avoidance of any adverse effects on the integrity of the Loch Flemington SPA and Kildrummie Kames SSSI'

C Stafford (00511) - Seek an alteration of the bullet point, 'Capacity for over 180 new homes'. This should be replaced by, 'Capacity for around 180 new homes'.

Croy & Culloden Moor Community Council (04506), Mary Harrison (04247) - Seeks consideration of good public transport from Croy to Nairn and development to be sustainable.

C Stafford (00511) - Removal of Croy as part of the wider growth strategy of the A96 Corridor and reduction in potential for housing growth in the settlement. (assumed)

Housing types

Croy & Culloden Moor Community Council (04506) - Seek provision of sheltered accommodation.

CR1 East of B9006

Croy & Culloden Moor Community Council (04506) - Reduction in overall capacity for housing in Croy.

Caroline Walford (04194) - Seeks a reduction in the housing capacity of Croy site CR1 from 35 homes to 25 homes.

Andrew Cartmell (03964) - Deletion of site from Plan.

Brenda Meehan (04153), Michael Meehan (04151) - Removal of site from Plan or a reduction to the number of houses to be built on site CR1 from 180 to 50 houses.

C Stafford (00511) - Addition of sentence to end site text, "Development proposals for site CR1 should take into account the IMFLDP Policy 5 and site CR1's potential proximity both to the Croy Burn and to the Croy section of the Kildrummie Kames esker system."

CR2 West of primary school

Caroline Walford (04194) - Seeks change to the final sentence of the paragraph relating to Croy site CR2 due to lack of clarity in the current wording as follows: "Development of the site should be phased over the period 2011 to 2031 with development progressing at a prescribed rate of no more than 50 homes delivered in each 5 year period from 2011 to 2021, and 25 homes delivered in each 5 year period from 2021 to 2031".

Caroline Walford (04194) - Seeks delay to the start of development of site CR2 to reflect the phasing of the development of employment opportunities in Tornagrain in line with attached phasing tables.

Caroline Walford (04194) - Seek a reduction in the housing capacity of Croy site CR2 from 150 homes to a maximum of 114 homes.

C Stafford (00511) - Seeks inclusion of redrafted requirements text to state that: 'Area (ha) 15.0 - Uses: residential (no more than 150 units), retail and community Requirements: "The council, further to consultation with the relevant statutory agencies, and taking into account measures set out in Policy 5 of this plan, will prepare a development brief (to be adopted as Supplementary Guidance) in order to ensure that the appropriate environmental mitigation would be in place before development of any kind progresses on this site. The brief will address phasing. Any development proposals presented would need to take into account this guidance and also address; improvements to linkages to the A96 and Mid-Coul roundabout and the B9006; transport assessment and necessary mitigation of impacts on local and trunk road networks; provision of appropriate SUDS; provision of footpath/ cycleway connection to wider village network; provision of open space, which should be delivered in line with the requirements of Open Space in New Residential Developments: Supplementary Guidance; Development of this site to 2031 should take place in 5 year periods and numbers permitted in construction phases will take into account the timing of environmental monitoring and the restoration of the

Croy Burn.’

Peter Chart (04090) - Reduction in number of houses to be built in Croy.

Croy & Culloden Moor Community Council (04506), Brenda Meehan (04153), Michael Meehan (04151) - Change number of houses to be built on site CR2 to 50 houses.

Summary of responses (including reasons) by planning authority:

General

Participation in process

Croy & Culloden Moor Community Council (04506) - In relation to community engagement the Council has sought to engage with a wide variety of interests during the Plan preparation process and most specifically with community interests.

Scale of development and phasing

Croy & Culloden Moor Community Council (04506) - The Council acknowledge the concerns over the scale of development proposed, however, identification of settlements with potential for expansion forms part of the Council’s strategy to accommodate projected growth in the Inverness to Nairn area. The proposed scale of development is anticipated to extend over the longer term 20 period and includes requirements for developers to provide which will provide any extra capacity in services and infrastructure. The Plan includes the requirement to deliver development of the larger allocation at CR2 West of the Primary School over a number of phases up to the year 2031, this will allow for integration of the growing population.

Site capacities

C Stafford (00511) - The Council considers that the suggestion to amend the first bullet point at para 4.97 to read, ‘Capacity for around 180 new homes’ is generally acceptable. The Council would support such a change should the Reporters wish to recommend it.

Natural Heritage

C Stafford (00511) - In regard to comment seeking reference the Kildrummie Kames SSSI the Council acknowledge the importance of the Kildrummie Kames and although the designation is protected by Policy 57 Natural, Built and Cultural Heritage [CD1: Highland-wide Local Development Plan, Policy 57, page 111]of the HwLDP there may benefit in reflecting on the relative proximity of the designation with the addition of an additional bullet point at para 4.97. The Council consider that the inclusion of further additional text at para 4.97 is not required as the existing reference informs the reader to refer to Policy 5 and also the preparation of the Supplementary Guidance will provide a significant level of detail relating to the issue. Consideration of reference to allocation at CR1 is dealt with below. Accordingly, the Council believes the existing reference should be retained without modification.

Croy & Culloden Moor Community Council (04506) - In relation to comment received relating to the text at para 4.99 which alongside Policy 5 *Development within the water*

catchment of Loch Flemington is intended to safeguard and improve the water quality through the measures specified in the policy. Sought the inclusion of the Supplementary Guidance to be prepared in the context of Policy 5 Development within the water catchment of Loch Flemington as part of the IMFLDP. To clarify the Supplementary Guidance which will be produced in line with the guiding principles and objectives of the Policy will be adopted by the Council after successful completion of the various stages of consultation, at that point it will form part of the Development Plan.

Settlement inclusion in Strategy

C Stafford (00511) - In response to comment suggesting Croy be removed from having a role as part of the growth strategy. The NPF3 Main Issues Report [THC CR-GEN1 NPF3 Main Issues Report extract] set out the wider strategy and broad areas of development focus and it is the role of development plans to implement the land use strategy at local level to meet the goals and objectives set within it. The Council considers that the strategy for growth in the Inverness to Nairn Growth area is well established and Croy should be retained as providing an important element in accommodating growth of the area. Accordingly, the Council believes that Croy's role in the growth strategy should be retained without modification.

Employment opportunities

C Stafford (00511) - In regard to comment submitted to lack of progress in attracting business and employment opportunities to the Inverness Airport Business Park (IABP), the IABP has a planning permission [THC CR-GEN2 Inverness Airport Business Park approval and boundary plan] in place for the wider development of the Business Park and has recently received permission to provide road access [THC CR-GEN3 Inverness Airport Business Park, Access road approval and plan, (08/00215/OUTIN)] to the first phase of development. Although development of the IABP has yet to formally commence it is not inappropriate to identify the potential for the availability of employment opportunities in the immediate locality of Croy. As indicated within the objection the "start-up" of a new business location is likely to take time but this does not mean that there is no progression towards the ultimate aim of attracting business and employment to the Park. The Inverness to Nairn Growth corridor is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The Inverness to Nairn area contains a variety of emerging new employment area, that will provide the economic and jobs growth, these include the Inverness Campus and Ardersier Port (Whiteness). It should be noted that the emerging National Planning Framework 3 intends to identify Inverness Airport itself as a site for national development and this is likely to encourage investment into the area. It may be appropriate to identify this point within the Transport section of Guiding and Delivering Development chapter.

Accordingly, the Council believes the reference to the Inverness Airport Business Park as a potential source of employment should be retained without modification. If the Reporters feel it appropriate, then the Council would support inclusion of a reference to the upcoming National Development status of Inverness Airport.

Scale of Development, impact on Infrastructure and Services

Gregory Tough (04385), Mary Harrison (04247), Croy & Culloden Moor Community Council (04506) - Comments have been submitted on the impact of this development on a whole range of infrastructure issues, including transport, drainage and community

facilities. The developer requirements set out in the Plan seek to address many of the concerns raised. The Transport Appraisal [THC CR-GEN4 IMFPLDP Transport Appraisal extract] used to inform the preparation of the Plan did take account of provision for the identified expansion of key villages in the corridor. The model for Croy included a rate of development of roughly at a rate of 10 per year; the impact of this development is therefore included in strategic transport considerations. The level of development is not considered excessive and will allow for the gradual growth and integration of development. Accordingly, the Council believes the allocations contained in the Croy section of the Plan should be retained without modification.

Housing types

Croy & Culloden Moor Community Council (04506) - The Council's Affordable Housing policy determines the requirement for affordable housing contribution. The type of development delivered will relate to the type of housing need prevalent in the area.

CR1 East of B9006

Natural Heritage

C Stafford (00511) - The Council considers that the suggestion to include reference to the fact that site CR2 lies within the wider Kildrummie Kames Esker as appropriate in terms of further highlighting this development factor. The Council would support such a change should the Reporters wish to recommend it.

Requirement for site and impact of development

Andrew Cartmell (03964), Brenda Meehan (04153), Michael Meehan (04151) - In relation to the scale of land supply, this reflects the outcomes of the Council's Housing Need and Demand Assessment (HNDA) [THC CR-GEN5 HNDA extract and Centre for Housing Market Analysis letter] and spatial growth strategy as set out in the HwLDP [CD1: Highland wide Local Development Plan, pages 11-12] and also within the IMFPLDP. [CD6: Inner Moray Firth Proposed Local Development Plan, pages 13-15] The scale of allocation across the area meets the gross housing land requirement identified within the HNDA. It is also considered that even given the relative lack of building activity at present there is continued need for a growth in housing stock. CR1 provides for a smaller scale development with the benefit of a central location and in close proximity to services. In relation to issues regarding badger activity the Highland-wide Local Development Plan Policy 58 Protected Species [CD1: Highland wide Local Development Plan: Adopted Plan, page 113] offers protection on species and their habitats from adverse impacts of development. Accordingly, the Council believes the allocations contained in the Croy section of the Plan should be retained without modification.

Site capacity and density

Caroline Walford (04194) - The comments are noted but the criteria set out in the Housing Land Background Paper [THC CR-GEN8 Housing Land Requirement Background Paper, bullet 3, Methodology section] clearly indicates that in identifying the indicative capacity for sites should follow a sequential approach. In relation to site CR1 this approach as set out in point 3 of the Methodology section is to utilise existing allocation figures where these are already stipulated in the HwLDP. Existing lower density housing in the settlement comprises detached bungalow development and a mix of house types and

sizes would be appropriate to serve all requirements.

Proximity to sewage treatment works

Croy & Culloden Moor Community Council (04506) - The Council's Supplementary Guidance on Physical constraints highlights issues in relation to developments in close proximity to waste water treatment works. Development proposals are required to allow scope to allow room for expansion of treatment works and to ensure no detrimental impact on public amenity. If the Reporters feels that clarification would be appropriate then the Council would be content with an additional developer requirement.

Ground Conditions

Croy & Culloden Moor Community Council (04506) - In relation to comment regarding wet ground conditions the development of a masterplan will need to address all development factors relating to the site including surface water drainage. The outcomes of the investigations will effect the developable extant of the site.

Natural Heritage

C Stafford (00511) - The Council considers that the suggestion to include reference to the fact that site CR2 lies within the wider Kildrummie Kames Esker as appropriate in terms of further highlighting this development factor. In terms of the requirement for the Council to prepare a development brief to guide masterplan development the Council have previously provided detailed advice to a potential developer through the Council's Pre-application Advice Service. The requirements text already requires the developer to prepare a masterplan which the Council may adopt as Supplementary Guidance. The preparation of the masterplan will require consultation with the Council, agencies and the wider community and also will be required to provide evidence of how comments received have influenced it's content. It is not considered that there is any requirement for production of a further level of policy advice in this instance. Accordingly, the Council believes the requirements section should be retained without modification.

Requirement for site

Brenda Meehan (04153), Michael Meehan (04151), Peter Chart (04090) - In relation to the scale of land supply , this reflects the outcomes of the Council's Housing Need and Demand Assessment (HNDA) [THC CR-GEN5 HNDA extract and Centre for Housing Market Analysis letter] and spatial growth strategy as set out in the HwLDP [CD1: Highland wide Local Development Plan, pages 11-12] and also within the IMFPLDP. [CD6: Inner Moray Firth Proposed Local Development Plan, pages 13-15] The scale of allocation across the area meets the gross housing land requirement identified within the HNDA. It is also considered that even given the relative lack of building activity at present there is continued need for a growth in housing stock.

The Council has set out a phasing plan within CR2 which is considered to be proportionate to the size of the settlement and in line with the need to provide for a generous land supply. There is a clear requirement set out in policy for any development to meet this phasing strategy, and recognise that any development beyond 2020 will be informed by future Local Development Plan reviews. This will allow for an ongoing monitoring of the impact of the development on Croy and surrounding areas. Overall, the phasing of development, if managed appropriately, and with the developer requirements having been met, is regarded as being within acceptable level of

development, and broadly reflects what has taken place in the village.

CR2 West of primary school

Site capacity and density

Caroline Walford (04194) - The comments are noted but the criteria set out in the Background Paper clearly indicates that in identifying the indicative capacity for sites should follow a sequential approach. In the case of CR2 the site has previously been the subject of consideration in the HwLDP [CD1: Highland wide Local Development Plan: Adopted Plan, Policy 20 Croy Expansion, page 60] and as such the indicative capacity carried forward. In consideration of site CR2 it is considered that there is scope for the development of a smaller site at a higher density in a centrally located site within the settlement, it should be noted that development at Dalcroy Road and Dalcroy Green are at significantly higher densities. Existing lower density housing in the settlement comprises detached bungalow development and a mix of house types and sizes would be appropriate to serve all requirements. Accordingly, the Council believes the allocation should be retained without modification.

Phasing

Caroline Walford (04194) - The Inverness to Nairn Growth corridor is based on a wider strategy aimed at promoting and accommodating projected growth in the area. The Inverness to Nairn area contains a variety of emerging new employment areas, outwith Croy that will provide the economic and jobs growth, these include the Inverness Campus and Ardersier Port (Whiteness). Also improved connectivity with the wider area through the future rail halt at Dalcross [THC CR-GEN6 NPF3 Main Issues Report Dalcross extract] [THC CR-GEN7 Scottish Government news release] and the improved transport linkages with the improvements to the A96 will provide opportunities to connect to a wider public transport network and increase the accessibility to employment opportunities across the area. The development at Croy has the potential to progress at a faster rate than that of Tornagrain given the existing level of service and infrastructure available in Croy. Acknowledge that the proposed wording reflecting the position of the HwLDP accurately defines the development requirements for phasing of growth. Accept that the suggested wording reflecting that of the HwLDP does provide greater clarity. The Council would support such a change should the Reporters wish to recommend it.

Reporter’s conclusions:

General

1. The Croy & Culloden Moor Community Council have sought greater involvement in the planning and development process and the council have indicated their intention to involve a wide variety of interests. No specific modification is sought by the Community Council.
2. With regard to issues relating to the wider settlement strategy and the scale of development, the expansion of Croy forms part of the strategy espoused in the Highland-wide Local Development Plan (HWLDP) for the growth in the Inverness to Nairn area to meet projected demand. As noted elsewhere in this report the recent adoption of the growth targets of that plan leads to the conclusion that they are still valid and justifiably

incorporated into the Inner Moray Firth Local Development Plan. Although this could mean doubling the size of the village this is anticipated to take place over the longer term, up to 20 years, and in phases to enable the gradual incorporation of the additional population into the local community. I therefore consider that modifications which would undermine that strategy are inappropriate.

3. Similarly the employment strategy which envisages expansion at Inverness Airport and a range of new employment opportunities at Inverness Campus and Ardersier (Whiteness) would provide for additional employment opportunities within the plan period. I accept the council's position that despite current economic conditions the prospects for employment growth at Inverness Airport industrial park remain good. There is therefore no justification for the removal of Croy from the A96 growth strategy or changing Croy's role in that strategy.

4. Whilst in general there is little to be gained from a detailed rewriting of the precise wording of the proposed development plan where the council's intentions are both clear and justified, in the case of the text description for the capacity of sites in Croy the council accept that the proposed revised wording from C Stafford of 'Capacity for around 180 new homes' would introduce an acceptable level of flexibility. I agree.

5. Matters relating to groundwater pollution and the need to protect Loch Flemmington in the context of the Kildrummie/Kames SSSI Esker system are already referred to in the appropriate Policy 5 of the plan, and the intended supplementary guidance for this issue, so I conclude that further description in paragraph 4.97 is not required.

6. There are expressed concerns over the scale and pace of development on the character of the village, social infrastructure such as school places and availability of GP appointments, and the impact of increased traffic on local roads and junctions. Whilst it is understandable that local people and the Community Council should wish to see concurrent improvements in road junctions and other facilities these are inherently part of the wider development process and would be considered with respect to individual planning applications. Many of these additional infrastructure needs will be met by developer contributions. There are developer requirements set out in the plan to address the most important of these, but it is not appropriate to detail all requirements at this point in the development process.

7. The rate of overall anticipated development of the village is about 10 units per year and I note that this pace of development is considered in the transport appraisal used to inform the preparation of the plan. I therefore consider that whilst the total expansion of Croy envisaged in the strategy of both the Highland-wide LDP and the Inner Moray Firth LDP is proportionately large, the pace of development is not excessive and should be able to be accommodated satisfactorily. The need for sheltered housing would be addressed as part of the council's affordable housing strategy with respect to developer contributions. There is no evidence which would support the Community Council's request for a specific site allocation in the plan.

CR1 East of B9006

8. I note the suggested modification by C Stafford with regard to the need for reference to the drainage constraints of the site and the suggested modification which is supported by the council. I agree in principle though I consider further reference to plan policy could be confusing. I therefore recommend a simpler modification.

9. The site forms part of the Highland-wide growth strategy which is detailed in this plan. In principle therefore I consider the need for the allocation of 35 houses to be appropriate. There are however a number of constraints relating either to the density and townscape of the village, proximity of the sewage works and the drainage requirements of the site. Situated within the village, the site is likely to be sensitive in terms of density and dwelling design as noted in the representations. These detailed density and design issues would however be dealt with at a planning application stage and I therefore do not recommend any modification on this issue.

10. This is a centrally located site offering opportunities for smaller scale development. A specific proposal for development would have to take the protection of wildlife into account, as specified by the policies of the HWLDP.

CR2 West of Primary School

11. Representations relate largely to the need to reduce the housing allocation. As noted above this forms part of the Highland-wide LDP growth strategy which is being implemented in detail through this plan. There is at this stage no justification for alteration to that strategy which was so recently adopted. I therefore support the inclusion of the site and its allocation of 150 homes, retail and community uses.

12. I note the council's acceptance of the suggested amendment by Caroline Walford to the description regarding phasing. I agree that this is better than the existing and I therefore recommend it.

13. The representation from C Stafford suggests specifying in much more detail the requirements for the proposed development brief. The requirement on the developer, specified in the plan, to prepare a masterplan/ development brief would ensure that any development proposal would be a process of interactive exchange with the planning authority. In that context I consider the detail specified in the plan to be sufficient to guide this process.

Reporter's recommendations:

It is recommended that:

1. The first bullet point in paragraph 4.97 change from 'over 180 new homes ' to 'around 180 new homes'.
2. The requirements for site CR1, be amended to read: "... poor surface water drainage, in particular addressing the proximity to the Croy Burn and the Croy section of the Kildrummie Kames esker system; improvements to site road access."
- 3 Final sentences of the requirements for site CR2 be replaced with: "Development of the site should be phased over the period 2011 to 2031 with development progressing at a prescribed rate of no more than 50 homes delivered in each 5 year period from 2011 to 2021, and 25 homes delivered in each 5 year period from 2021 to 2031".

Issue 31	Dores	
Development plan reference:	(Para 4.101-4.102, Pages 105-107)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Highland Small Communities Housing Trust (00430) William Erskine (01061) Iain Cameron (03367) Mike Waites (04036)	Dores & Essich Community Council (04358) Woodland Trust (04364) Social Housing Providers in Highland (04381) Graeme Reid (04343)	
Provision of the development plan to which the issue relates:	Dores	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Graeme Reid (04343) - Seeks massive reduction in scale of development because of: adverse impact on iconic Loch Ness; adverse impact on tourism; adverse visual impact; loss of rural character; loss of tourism employment; increased traffic and accidents, and; B862 being totally unsafe with many hidden/blind summits.</p> <p><u>DO1 Land South of Dores Hall</u></p> <p>Iain Cameron (03367) - Seeks extension of allocation to make it more viable to release the lower land for affordable housing. Selling free market plots higher up the hill will aid the release of the lower site and co-fund infrastructure costs. Areas of woodland could be retained but given the steep terrain, maximum flexibility would be required to position plots higher up, nearer the B862, as the topographical studies done so far do not identify where these sites might be possible.</p> <p>Highland Small Communities Housing Trust (00430) - Seeks extension of allocation because: low density open market housing on the upper slopes is crucial to the delivery of the affordable housing provision on the lower slopes. Sympathetic planting with native trees throughout the development would lessen the impact of development within the extended allocation.</p> <p>Dores & Essich Community Council (04358) - Seeks amendment to boundary to reflect previous discussions between developer and community council.</p> <p>Social Housing Providers in Highland (04381) - Seeks allocation expansion to improve its viability.</p>		

Woodland Trust (04364) - Objects because: entirety of site is ancient woodland and part of an original expanse of woodland; proposed compensatory tree planting is inappropriate as ancient woodland is irreplaceable considering the nature of the site and its existing and potential as part of the core area identified by the Forestry Commission; the site is better suited to woodland retention and rehabilitation; land to the North of Dores such as at D04 is more suitable for housing development; the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; of the individual and cumulative impact of woodland removal; of the inability to mitigate the impact of its removal; development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of non-native plants and therefore cumulative impacts are of great concern.

DO2 Land north of Mill Croft

William Erskine (01061) - Increase capacity because it would allow for: a more sustainable and beneficial use of the land; more housing type choices; the suggested landscape planting to take place outwith and to the immediate north of the allocated site, on land falling within the same ownership and control, and; the enhancement of the setting of the village with this planting. 10 dwellings per hectare density too low for a village and not in keeping with Scottish Planning Policy (SPP) in terms of efficient use of land and infrastructure. 25 to 30 units per hectare would be more reasonable and still allow good design and negligible impact on adjoining development. Well designed development can contribute to placemaking and doesn't need to be screened by planting. In any event this planting could be made outwith the allocation boundary on land in the same ownership. Objects to linkage between housing development and release of another site for new playing field facilities because: the existing pitch may be lost to a development wholly unrelated to allocation DO2, and; it does not meet any test of reasonableness including those relating to the use of planning conditions and agreements.

DO3 Land south of Parish Church

Mike Waites (04036) - Objects because: lack of consultation prior to purchase of house and allocation didn't show up on property search; adverse impact on setting of adjoining listed buildings; of loss of daylight and privacy by overlooking due to slope; already inadequate surface water drainage arrangements and increased risk of flooding / damp; adverse impact on resale of properties because of blight from allocation; playing field on DO4 already has an adequate existing alternative which is screened by vegetation and any development would impact on iconic view of Loch Ness.

DO4 North of Playing Field

William Erskine (01061) - Objects because: it cannot be delivered because: owner will not release the land for this purpose; land is managed and farmed under the terms of an assured long terms agricultural tenancy, which affords a high degree of protection and security for the tenant farmer; loss of temporary use for annual hosting of the Rock Ness Festival; tenancy does not allow for the resumption of the land for the purposes of accommodating any permanent development; irreversible loss of good agricultural land; an alternative playing field site should be found by the developer of the existing field, and; of adverse landscape impacts on iconic open view of Loch Ness from fencing and changing facilities.

Dores & Essich Community Council (04358) - Seeks broader mix of permissible community uses but no reasons stated.

Modifications sought by those submitting representations:

General

Graeme Reid (04343) - Reduction or deletion of all allocations (assumed).

DO1 Land South of Dores Hall

Woodland Trust (04364) - Deletion of allocation.

Iain Cameron (03367) - Extend allocation to cover the whole block (now a coniferous plantation), up to the B862.

Dores & Essich Community Council (04358) - Amend boundary to mirror ownership boundaries. Clarify that site is for affordable and private self build plots.

Highland Small Communities Housing Trust (00430) - Extend allocation to cover the whole block (now a coniferous plantation), up to the B862.

Social Housing Providers in Highland (04381) - Allocation extended to the B862.

DO2 Land north of Mill Croft

William Erskine (01061) - Increase housing capacity to 15-18 units. Deletion of any linkage between the development of the site and the provision of new playing field facilities.

DO3 Land south of Parish Church

Mike Waites (04036) - Deletion of allocation.

DO4 North of Playing Field

Dores & Essich Community Council (04358) - Amend wording as follows: Uses: Community Use only as opposed to 'sports pitch' Remove the wording 'non-permanent changing facilities' replace with 'Any built development limited for community use'.

William Erskine (01061) - Deletion of allocation.

Summary of responses (including reasons) by planning authority:

General

The Plan allocates land for a maximum indicative capacity of 50 houses. Although this is relatively high scale of expansion relative to the existing stock, its purpose is to provide a choice of sites and more importantly take account of the potential ineffectiveness of the optimum central village site (DO3). Site DO3 has been allocated for development for almost 20 years but not been activated because of an ownership constraint. The principal owner (General Trustees of the Church of Scotland) has indicated that it may now release

the site but there is no guarantee of such. Accordingly, private and affordable housing developers have looked elsewhere and the Council through its Plan has assessed alternatives sites. The two other allocated housing sites (DO1 and DO2) have been included because they are available, have developer interest and do not possess insurmountable environmental constraints. Dores has evolved and been planned as a linear settlement as a product of its landform and landscape constraint (the iconic Loch Ness vista). DO1 and DO2 are the closest to the village centre potential development sites taking account of landform and the vista. All the sites allocated for permanent, built development have been selected to minimise their landscape impact and be as close as possible to the village and primary school to encourage sustainable active travel. The B862 connection between Dores and Inverness, has some alignment constraints but is a 6 metre plus dual track road, has few significant junctions and operates well within its design capacity because traffic volumes are low. It is also the primary access route to the Rock Ness festival site and accommodates this very high traffic volume albeit on an occasional basis. The scale of development allocated for will not breach the road's design capacity. Accordingly, the Council believes there is no valid reason to reduce the scale of allocated land at Dores.

DO1 Land South of Dores Hall

The Council's Main Issues Report (MIR) allocated a wider area [CD5, Site H1, Pages 20-21] but this was curtailed at Proposed Plan stage because of expressed concerns about landscape and woodland impact. The Council believes that the current Plan position is a reasonable compromise between landowner/developer/community council interests and the views of the Woodland Trust. The Council believes that the Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but presently accommodate commercial conifer plantations. The site's developer requirements include reference to retaining the frontage broadleaf tree screen and further compensatory planting for trees extracted by selective felling. The Council accepts that this site is not perfect in terms of gradient and therefore potential adverse visual impact (particularly as viewed from the far side of Loch Ness) but few sites in the Highlands are and careful siting and design coupled with tree screen retention and compensatory planting should mitigate for this. The Council realises that the site is marginal in economic terms but the presence of moderate woodland and landscape constraints suggest that it would be inappropriate to be too flexible on boundary and therefore capacity. Moreover, the site has affordable agency and community support and should deliver enhanced (safer) vehicular access to the village hall. Accordingly, the Council believes the allocation should be retained without modification.

DO2 Land north of Mill Croft

The site represents an incursion into a larger, open field and although it reads against the developed part of the village in views from the north, it is still relatively prominent on the left margins of the iconic Loch Ness and Great Glen vista enjoyed by local and visitors on arrival at the village's northern gateway. It was only allocated for development given the scarcity of other available and developable sites in and around the village and even then subject to design and planting requirements. The settlement pattern of Dores is compact but densities are generally low. 25-30 dwellings per hectare would be more typical of larger villages and small towns in Highland and even then would only be encouraged close to village and district centres. This site is on the periphery of the village and although close to the primary school, not close enough to justify a larger / denser allocation. The Council agrees that well sited buildings of exceptional architectural design quality can

enhance rather than detract from public views and need not be screened. However, this site is prominent and lies on the periphery of arguably one of the best vistas in Scotland. Therefore, the Council believes it is justified in taking a precautionary approach in insisting on a screening requirement. The requirement linking this allocation to the release of another site for a new playing field came at the request of the community. Both sites are in the same ownership and would be partly justified if no on-site public open space or sports pitch provision was made by the developer of site DO2. The Council's statutory Open Space in New Residential Development Supplementary Guidance [THC/DO2/1/All] provides the detail of and justification for such provision. That said, the Council accepts that if on-site provision or a commuted payment is offered by the developer then any land release at DO4 would need to be achieved by negotiation. Accordingly, the Council believes the allocation should be retained without modification.

DO3 Land south of Parish Church

This site has been allocated for development in successive development plans for almost 20 years (also clearing their objection and public local inquiry processes e.g. Inverness Public Local Inquiry Report [THC/DO3/1 All Pages of Extract]) and therefore any competent property clearance certificate check would have revealed this fact as would a quick check of the Council's website by any potential purchaser. The Plan's developer requirements recognise that the site's slope creates the potential for overlooking and loss of privacy. The detailed layout would need to respect this and the housing capacity has been set low to take account of this. Potential adverse built heritage impacts are also referenced and mitigated for. See DO4 below re. playing field issue. Accordingly, the Council believes the allocation should be retained without modification.

DO4 North of Playing Field

The village's existing playing field is a kick pitch not a full sized playing field. The local football club has to play outwith the village. The Community Council is keen to provide a sports field within the village that could be utilised by the primary school and local football club. It is self evident that the village has a scarcity of flat, well drained land suitable for playing field provision. Given these factors, the Council felt it reasonable to allocate land at DO4 for the minimum land required for such provision and to limit "built" development to demountable changing facilities so that landscape and geological impacts are minimised / eliminated. The agricultural tenancy constraint is not regarded as insurmountable as the site size is small (relative to the size of the worked unit) and minimised and does not result in the irreversible loss of farm land. Similarly, the Rock Ness festival site covers a much larger area and would not be unduly affected by a playing field which could be lost temporarily during the festival. The requirement linking this allocation to DO2 came at the request of the community. Both sites are in the same ownership and would be partly justified if no on-site public open space or sports pitch provision was made by the developer of site DO2. The Council's statutory Open Space in New Residential Development Supplementary Guidance [THC/DO4/1/All] provides the detail of and justification for such provision. That said, the Council accepts that if on-site provision or a commuted payment is offered by the developer then any land release at DO4 would need to be achieved by negotiation. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:General

1. The size of the overall housing allocation for the village arises from the need for housing land to meet the housing land supply requirements of the Highland-wide Local Development Plan adopted in 2012. As explained elsewhere in this report these overall targets for land supply are accepted as appropriate for inclusion in this plan. The council acknowledge that the allocation of 50 housing units would be a proportionately large addition to the village but seeks to provide for a range of opportunities and development densities which can ensure that such development is sympathetically achieved within the important and iconic landscape of the Loch Ness shore and Great Glen views.

2. The council further justifies the extent of housing allocation in sites D1 and D2 as indicative of difficulties with bringing forward site D3, for a mix of housing, tourist/ commercial and community uses. Although I accept that site D2 close to the village centre could serve some support role in housing provision to that envisaged on site D3, the link to the larger, more distant, site at D1 must inevitably be tentative. Notwithstanding this I accept that the approach would be justified by the need to provide a range of housing opportunities to comply with the Highland-wide LDP.

3. The B862 between Dores and Inverness does have many bends and blind crests. It is essentially no different in that respect from most B class roads in the vicinity. The council's highway engineers have expressed no concerns for the additional load which the proposed development would accrue on the road. I note that the road copes well with the additional traffic for the Rock Ness Festival. I therefore do not consider the objection on the grounds of road safety to have substance.

DO1 Land south of Dores Hall

4. Objections to this proposal range from a desire to make it much larger, extending up the hill to the B862, concerns about the size of the allocation and the effect on iconic views across Loch Ness to concern for the loss of ancient woodland.

5. The council accept that this is potentially a difficult site to develop with a steep slope, thick tree cover and the possibility of serious impact on views across the loch from the north shore were development to continue up the slope to the B862. To compensate for this the plan limits the area to a loch side area which can be screened by a shoreline belt of broadleaved trees. Although accepting that its development will be a marginal economic prospect the council still believes that even in its limited extent it would be able to be developed, possibly for affordable housing and resulting in benefits for access to the village hall.

6. The plan explicitly lists in the description many of these constraints, and potential developers would be under no illusions about the care which the council would give to the design and screening of their proposed development. Whilst I share the council's scepticism about the site's economic viability in the short term, were site DO3 to fail to come forward it could offer a realistic opportunity to meet demand.

DO2 Land north of Mill Croft

7. There are two principle concerns raised by representations. These are the low density implied by the allocation for 8 homes, and the implied link to the provision of

sports facilities on site DO4. The site represents an extension of the developed envelope of the village into fields to the north. As such it could impact adversely on the iconic view along Loch Ness and the Great Glen to the south. The rest of the village at this point is relatively low density. To impose a significantly different townscape against this backdrop of buildings would increase any adverse impact on the iconic views noted above. Although generally there would not always be a need to screen well designed development I accept the council's position that this is a location where the need to protect an unique vista is of paramount importance. A lower density would enable any development to fit in and would give room for appropriate screen planting.

8. Although the council, in their response to representations imply that sites DO1 and DO2 are envisaged in the plan as a fall back were DO3 not to come forward, this is not clearly stated in the plan. As such I consider that they must be considered independent proposals not directly related to the fortunes of other sites. Although in the same ownership as site DO4, development proposals for site DO2 must be considered in the light of the prevailing development plan policies. Were these to require a proportionate provision of open space then this would need to be accommodated on the site or appropriate external provision made. The co-ownership of DO2 and DO4 does not necessarily guarantee the link made in the plan between development of one and open space provision in the other. Whilst that may be a solution to the requirements for open space provision on site DO2 proposed by any subsequent developer, I consider that such a link could be regarded as an unreasonable planning condition or obligation and is therefore inappropriate for inclusion in the local development plan. I recommend its deletion.

DO3 Land south of Parish Church

9. The representation relates to the need for prior knowledge of a development plan proposal, preservation of views and the potential for overlooking and the potential for loss of value of an existing house. The council notes that the development of site DO3 has been under consideration for many years. Notwithstanding, the development plan making process will result in new land being allocated for development. This inevitably could have an impact on existing property.

10. The planning process seeks to protect the privacy and amenity of existing residents and the council note that in this instance the proposed density is low enough to ensure this. The planning process does not guarantee rights to an existing view or the preservation of property value, both of which may be reduced or enhanced by development. I do not therefore consider modification of the description of site DO3 necessary.

DO4 North of playing field

11. The allocation is for the placing of non-permanent changing facilities and use of the site for community activities, specifically as a sports field. Such a low key proposed activity would not adversely impact on views of the loch, tourist potential of the loch side site or of its current use as part of the venue for the Rock Ness music festival. Similarly there is no convincing evidence that the loss of agricultural use of the land would have an adverse impact of the local farming activity.

12. The expressed need of the community is for sports provision. I therefore see no advantage in the suggested change of the allocation to 'community use'. I do not

therefore recommend any modification to this part of the plan.

Reporter's recommendations:

It is recommended that the words 'discussion with community over the release of DO4 for sports use' be deleted from the requirements for site DO2.

Issue 32	Drumnadrochit	
Development plan reference:	(Paras. 4.103-4.106, Pages 107-110)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>David Fraser (00288) Scottish Environment Protection Agency (SEPA) (00523) Caroline Stanton (00943) Glenurquhart Community Council (01641) Neil Angus Martin Mackay (02235) Transport Scotland via Scottish Government (03642)</p>	<p>Peter Roberts (03973) Jamie Hookham (03976) Karen Mackenzie (04013) Lesley Carloss (04072) Caroline Wright (04087) Jonathan Wynne Evans (04184)</p>	
Provision of the development plan to which the issue relates:	Drumnadrochit	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Jonathan Wynne Evans (04184) - Objects because: of loss of rural character which is dependent upon open fields; of coalescence of Drumnadrochit and Lewiston; of adverse visual impact; contrary to linear settlement pattern; more linear development along Glen Urquhart would match this settlement pattern; of loss of open space, and; precedent for further loss of greenspace. (Objection to site DR7 since withdrawn – see below).</p> <p>David Fraser (00288) - Seeks reintroduction of housing allocation because: it was identified as a preferred site by the Council at Main Issues Report stage; the other land supply is concentrated in the hands of 2 owners/developers; site would provide housing choice for small scale development by local builders; the land is within the village envelope and settlement pattern; of community support; the site extends to over 1.1 hectares and can accommodate a small number of new houses (up to 5) on areas that currently have no trees or heavily coppiced sycamore; the semi mature oak trees and areas of birch/hazel planted by the current landowner would be retained; no flooding issues and site serviceable, and; in the event that development is permitted at Pitkerrald Farm then agreement can be reached regarding land for road improvements.</p> <p><i>New Sites Not Previously Consulted On</i></p> <p>Neil Angus Martin Mackay (02235) - Seeks new allocation because: potential to close trunk road access; development will assist in relocation and expansion of existing micro brewery creating additional employment; off-street parking will be provided for all 4 housing plots; the remaining area of woodland would be gifted to the local community possibly to the Glenurquhart Greenspace Community Company to ensure enhanced maintenance and management; loss of woodland minimised; amendments from previous</p>		

proposals; parallel compensatory planting in other parts of Drumnadrochit will be undertaken by the Community Company and this can be conditioned; development would remove an industrial use from this otherwise residential area; the new houses will be of good architectural quality and sympathetic in terms of pattern and design to adjoining development; development will be screened from Kilmore Road by new tree and shrub planting; the social, economic and environmental benefits of the proposal outweigh the presumption of no tree loss in this instance; enhanced management of woodland could create recreational walking opportunities and a more effective green corridor between Coiltie Crescent and the proposed development on the land to its south west (DR6 in the Proposed LDP); site, although small in capacity provides wider benefits that should be considered through the Plan process.

DR2 North of Cnocan Burra Burial Ground

Glenurquhart Community Council (01641) - Supports subject to additional requirements to improve drainage and wildlife management.

DR3 Land at West Lewiston

Peter Roberts (03973) - Seeks reduction in site boundary and capacity because: site has always been recognised as farmland and as an area separating Drumnadrochit and Lewiston, and; site has only one access and egress to Balmacaan road for connection to mains services making whole site uneconomic for development.

Jamie Hookham (03976) - Objects because: land safeguarded as an amenity area in the adopted local plan; no justification for change in strategy; coalescence of separate communities with separate identities, Lewiston and Drumnadrochit; Council shouldn't accede to landowner's wishes; proposal and Plan speculative; risk to road safety on already busy road used by children to get to school; no facilities for off road parking for residents towards the lower end of the road, so cars are parked on the road; inadequate forward visibility along Balmacaan Road for drivers and pedestrians; poor accident record on road; loss of greenspace, and; better alternative housing sites elsewhere in village (not specified).

Karen Mackenzie (04013) - Objects because: of lack of consultation to date; change from long standing planning policy to keep Lewiston and Drumnadrochit as separate villages, and; lack of detail on nature and impact of development.

Lesley Carloss (04072) - Objects because: assurances were made to local residents by the Council when the 5 houses on the Balmacaan Road side of the site were erected a few years ago that no further housing would be added in this green wedge; of coalescence of the two hitherto separate areas of Balmacaan and Lewiston; lack of consultation to date; contrary to adopted local plan amenity safeguard; point(s) of access, the siting, the proportions, height or area of the two proposed housing plots are unclear; retained green corridor unclear in terms of form and maintenance; other green spaces provided by developers elsewhere in village poorly maintained; other better and sufficient development sites allocated elsewhere in the area; lack of market demand as evidenced by number of properties for sale; overlooking will occur because her property is below and close to the allocation causing a loss of privacy and residential amenity; she and neighbour have maintained and improved the triangle of rough, common land which borders the site DR3 at the end of our properties to ensure the area is a visually attractive green belt area and would welcome an opportunity to discuss with the Council the purchase both of this waste

land and, with the seller, of appropriate adjoining areas of DR3; existing mature trees in the triangle of adjacent land may be adversely affected; these trees ensure a stable slope of land between DR3 and the gardens of Numbers 1,2 and 3 West Lewiston, and; site would better be offered to local Greenspace Company to use for allotments.

Caroline Wright (04087) - Objects because: the housing stock of the village has doubled in the last ten years; of loss of rural village character; of coalescence and loss of separate village identities for Drumnadrochit and West Lewiston; change from established planning policy, and; loss of tourism revenue with consequent adverse impact on local businesses and employment.

Glenurquhart Community Council (01641) - Notes Plan content.

DR4 Land west of Post Office

SEPA (00523) - Seeks deletion because the site is likely to be at significant flood risk and it is uncertain whether the principle of development can be established in accordance with Scottish Planning Policy.

Glenurquhart Community Council (01641) - Supports subject to additional developer requirements to ensure flood risk is not increased at Kilmichael and that adequate parking is secured.

DR6 Land south west of Coiltie Crescent

Transport Scotland via Scottish Government (03642) - Believes access should be taken from local road not trunk road network because: Transport Scotland oppose new accesses on to the trunk road network; Transport Scotland has recently had discussions with developers regarding this site and has recommended refusal (TRNPA2 has been issued) based upon the position that access should be taken from the local road and indicating concerns over the speed limit on this section, and; an appropriate access strategy to deal with the cumulative safety impact of numerous accesses across the village has not been agreed.

Glenurquhart Community Council (01641) - Supports developer requirements in particular the phasing conditions.

Caroline Stanton (00943) - Objects because of: significant adverse landscape and visual effects; Highland-wide Local Development Plan and Plan strategy and policy non-conformity because of these impacts; loss of open and agricultural landscape character; coalescence of distinct settlements of Lewiston and Drumnadrochit; inadequate justification for its release; no landscape sensitivity or capacity assessment being prepared; other better site alternatives exist within the village that better match landscape character of the area; the open fields of the wider village are crucial to its landscape character because they emphasise the Glen floor surrounded by hill slopes; adverse impact on public views in particular from A82 and Great Glen Way that pass site impacting on tourists and local residents; non conformity with local landscape character assessment because new development will compromise rural character and remoteness along the whole of the Great Glen; loss of scarce, good agricultural ground; homogenisation and urbanisation of settlement and its landscape character; narrow green corridors not being sufficient to safeguard existing open landscape character; inability of even best design and masterplanning to mitigate landscape impact in this case, and; her experience as a

landscape architect working in the Highlands. [00943/DR6/1]

DR7 Land south of Medical Practice

Glenurquhart Community Council (01641) - Queries site size. 0.2 hectares looks too small a figure for area enclosed.

DR8 Retail Units on A82/Balmacaan Road

Glenurquhart Community Council (01641) - We support the redevelopment of the existing Scotmid site; it may be possible to include flats above new shop units. We query that the site extends to 3.1 hectares, more likely 0.3.

DR9 Medical Practice

Glenurquhart Community Council (01641) - Believes site would be better suited to affordable housing due to access constraints.

DR10 North of Shinty Pitch

Glenurquhart Community Council (01641) - Seeks assurance that that land is for community use only.

Modifications sought by those submitting representations:

General

Jonathan Wynne Evans (04184) - Deletion of all development sites in village but in particular DR5, DR6 and DR7 (objection to DR7 since withdrawn) and replacement with cherished greenspace notation or settlement development area drawn in to exclude development potential. Possible housing allocation on Milton road (unspecified). (All assumed).

New Sites Not Previously Consulted On

Neil Angus Martin Mackay (02235) - New mixed use site at Blairbeg Wood including 4 house plots on the south west edge of Blairbeg Wood - 2 plots would be on the edge of the woodland and 2 on the site of the adjoining brewery. All 4 plots would be accessed from a new private lane off Kilmore Road providing off-street parking for all plots. The remaining area of Blairbeg Wood would be gifted to the local community as a recreational woodland area.

David Fraser (00288) - Reintroduction of housing allocation H4 from Main Issues Report - the triangle of land including the house Culcreuch, Pitkerrald Rd, Drumnadrochit.

DR2 North of Cnocan Burra Burial Ground

Glenurquhart Community Council (01641) - Additional developer requirements to restore the drainage from the pond, and outwith the 5 houses the remaining area is managed in a manner to support wildlife.

DR3 Land at West Lewiston

Lesley Carloss (04072) - Deletion of allocation and replacement with cherished greenspace notation.

Glenurquhart Community Council (01641) - None (assumed).

Peter Roberts (03973) - Reduction in site boundary and capacity (assumed).

Jamie Hookham (03976) - Deletion of allocation.

Karen Mackenzie (04013) - Deletion of allocation.

Caroline Wright (04087) - Deletion of allocation.

DR4 Land west of Post Office

SEPA (00523) - Deletion of allocation unless a Flood Risk Assessment is carried out at prior to inclusion in the Plan which demonstrates that the proposals would comply with Scottish Planning Policy.

Glenurquhart Community Council (01641) - Additional developer requirement that flood protection works do not add to upstream flood risks in the Kilmichael area - i.e. the adjoining field should still accept and store equivalent flood waters such that the river does not back up towards Kilmichael. Additional requirement for parking to cope with any planned business activity.

DR6 Land south west of Coiltie Crescent

Transport Scotland via Scottish Government (03642) - Remove last sentence "A82 junction to be compatible with access to DR7 opposite" and replace with "Access to be taken from local roads"

Glenurquhart Community Council (01641) - None (assumed).

Caroline Stanton (00943) - Deletion of allocation.

DR7 Land south of Medical Practice

Glenurquhart Community Council (01641) - Possible amendment to site size. 0.2 hectares looks too small a figure for area enclosed.

DR8 Retail Units on A82/Balmacaan Road

Glenurquhart Community Council (01641) - Possible amendments to encourage residential flats above new shop units and check on site size which may be 0.3 not 3.1 hectares.

DR9 Medical Practice

Glenurquhart Community Council (01641) - Reallocate as housing only site.

DR10 North of Shinty Pitch

Glenurquhart Community Council (01641) - More explicit assurance that land is for community use only (assumed).

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

The Plan's settlement strategy is explained in paras. 4.103 to 4.105 and represents a shift away from the 2006 adopted Inverness Local Plan position [CD2: Inverness Local Plan: Retained in Force Provisions: April 2012: Written Statement Pages 61-64 and Map Booklet Page 5] which allocates the principal expansion area for the settlement at Pitkerrald on the western edge of Drumnadrochit. By 2011, it became apparent that this expansion area would be very difficult to develop in terms of its cost, woodland loss, potential landownership ransoms, and engineering challenges of forming a suitable road access. Accordingly, the Council decided to look at alternatives through its Main Issues Report (MIR). It is accepted that Drumnadrochit used to be a collection of 13, separate, much smaller "settlements". Over time many of these have coalesced and therefore the settlement pattern and its associated landscape character has changed. At a time when farming was the pre-eminent source of local employment, it was understandable that the best agricultural land at the head of the Glen would be reserved as open fields and buildings kept to the more marginal land, often at the break of slope between the fields and the steeper surrounding land or further up Glenurquhart. However, as the function of Drumnadrochit has evolved so has its settlement pattern. Service sector employment particularly in tourism and an element of commuting to Inverness and other larger employment centres are now the dominant drivers for settlement pattern change. The Council's response is to change its strategy by preventing further internal coalescence not by agricultural land safeguards but by the safeguarding and creation of green corridors useable by the local community for amenity and recreational purposes and by wildlife as suitable habitat and movement corridors. These corridors will be narrower but with transfer to community ownership and maintenance, more permanent and useable than fenced fields. See individual site responses below. The majority of the local community, local health professionals and NHS Highland believe that an expanded health centre would offer multiple benefits.

New Sites Previously Consulted On

This site was allocated at MIR stage because of its connection to the Pitkerrald expansion area referred to above – i.e. it may have been required for road widening and the balance may have been suitable for housing development. However, given the Council's change of settlement strategy explained above, it is no longer required. That said, the land was left within the settlement development area to allow the possibility of selective infill housing subject to woodland retention/compensatory planting. The Council believes that this approach is still justified and that the constraints imposed by existing woodland and the small site size do not support a more positive development allocation. Accordingly, the Council believes the Plan should be retained without modification.

New Sites Not Previously Consulted On

The suggested proposal has some planning merit (particularly in terms of potential

employment creation and securing of more useable greenspace) but has been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues Report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example the need for the brewery's expansion and relocation become more pressing. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly, the Council believes the Plan should be retained without modification.

DR2 North of Cnocan Burra Burial Ground

Support noted and welcomed. The Council is not aware of any particular drainage or wildlife management issues affecting the site's development but would be content if the Reporters were to recommend such additions to the stated developer requirements.

DR3 Land at West Lewiston

See changes to Plan strategy explained in the General section above. The site has a stated maximum capacity of 2 houses and although Balmacaan Road has some constraints in terms of on road parking and width, the road also has good vertical and horizontal alignment, low traffic speeds and low traffic volumes. A maximum of 2 houses will not place an undue additional burden on its capacity. The site is not useable public open space and presently has limited amenity value. A small development of 1 or at most 2 plots would give the landowner an incentive to enhance the location and its contribution to local amenity. However, the Council would, as a compromise solution, be content if the Reporters were to recommend that an additional developer requirement be added to ensure the gifted transfer of the balance of the site to the Glenurquhart Greenspace Company to guarantee its retention as part of a green corridor between Lewiston and Balmacaan. The Council has met and exceeded its statutory public consultation requirements. Further details of the proposed development will not be available to neighbours until any application is lodged. 1 or 2 plots are not significant in housing land supply terms and given the site's location will also not be significant in landscape and rural character terms.

DR4 Land west of Post Office

The Council has made a formal capital programme commitment to progress a flood scheme that will protect this site from flood risk and the Plan's wording makes it clear that any development of the site is wholly dependent on completion of that scheme. Initial scheme work has been completed and one of the design parameters of the scheme and any other flood protection proposal is not to increase risk to properties elsewhere. The southern end of the site lies adjacent to the main village car park and it would be sensible to create at least a pedestrian connection at this end and perhaps also locate additional public parking at this point. However, these are site layout matters that would best be considered at pre-application stage when more detail is known as to the use mix, detailed

flood scheme design and access arrangements acceptable to Transport Scotland. Accordingly, the Council believes the allocation should be retained without modification.

DR6 Land south west of Coiltie Crescent

- Support noted and welcomed. See changes to Plan strategy explained in the General section above. The allocation is subject to a pending planning application, which complies with the vast majority of the emerging Plan's provisions. However, in light of the application being a departure from the adopted Inverness Local Plan and the pending emerging Plan objections, the Council has taken a decision to sist the application and await the outcome of the Examination process before determining the application. An appeal against non determination of the application has been lodged. The Council believes that the allocation should be retained because it would support a genuine mixed use development in the heart of the settlement with all the sustainability advantages that offers. The landowner / developer is prepared to transfer a greenspace corridor to the Glenurquhart Greenspace Company that would guarantee its future retention and management as an amenity and wildlife resource. It also appears from the mix of uses within the application and negotiations to date that there is a reasonable expectation that if developed as proposed then the site could support the relocation and expansion of several commercial enterprises with an attendant increase in local employment and, other things being equal, a reduction in travel to facilities outwith the settlement. Much of Highland is of high landscape quality including most of the Great Glen corridor. Accordingly, finding land with landscape capacity to absorb new development is problematic. However, the centre of a settlement, on flat land, enclosed by existing development and higher glen slopes might be where most people would start that search. The village margins where there is a break of slope offer some additional scope for single houses or small groups of buildings as does the tree cover within the wider Glenurquhart but these are not suitable and sustainable locations for larger mixed use developments.
- It is understood that Transport Scotland's pending objection is due to the lack of submission by the Council and/or developer of an appropriate access strategy for the A82 in Drumnadrochit to deal with the cumulative safety impact of numerous accesses across the village. Access from the local road network to sites DR6 and DR7 is impracticable. It is believed that Transport Scotland's concerns can be overcome if a case can be made demonstrating that: local road connection is impracticable; further traffic management measures will be funded by the Council / developer, and; that the uses proposed are essential to the social and economic wellbeing of the community (i.e. are not simply a speculative housing scheme and will deliver employment and enhanced community facilities). The Council and the respective developers believe they can comply with these requirements and would be content if the Reporters were minded to recommend the addition of these provisions to the Plan.
- Accordingly, the Council believes the allocation should be retained without modification.

DR7 Land south of Medical Practice

The site area is incorrect and should be amended as a factual error. Mr Wynne Evans (04184) objection to this site has been withdrawn [THC Drumnadrochit/DR7/1].

DR8 Retail Units on A82/Balmacaan Road

Support noted and welcomed. Residential use was excluded because of the availability of

other allocated alternatives and an upper floor reference would imply that another 2 storey building would be acceptable on the site which would compromise the objective of lessening the new building's impact compared to that existing. The site area is incorrect and should be amended as a factual error.

DR9 Medical Practice

Residential use was excluded because of the availability of other allocated alternatives but the Council agrees that this may be a more viable use for the site and would therefore be content if the Reporters were to recommend such a modification.

DR10 North of Shinty Pitch

The Council asserts that the Plan's text is self explanatory. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. As noted elsewhere in this report the need for development land has been analysed, proposed and adopted in the Highland-wide Local Development Plan. With the adoption of that plan in 2012 the estimates of land supply are assumed to transfer to this plan. It is therefore necessary to make a substantial allocation for housing land within the village. The council provide both in the plan and in the text of this report a clear and cogent argument for the reassessment of the linear nature of development. This is based on the changing nature of the economic focus of the village from largely agricultural to include more recent service activity, commuting and tourist based uses. The move towards green corridors to maintain the distinct identity of different parts of the village and to utilise some agricultural land for necessary housing, employment and community development is a logical approach to the issues raised.
2. I accept that this will result in an inevitable change in the former linear disparate settlement pattern. There is no convincing evidence that this measured approach will significantly damage the appearance or functioning of the village in the future.

New sites previously consulted on

3. I note that changes in the council's settlement strategy suggested reducing the prominence of land west of Blairbeg Wood. It remains however within the development envelope of the village and subject to policy constraints could be considered for infill development. In consequence I consider that a plan modification is not necessary.

New sites not previously consulted on

4. There is no pressing need to add to the allocated land already indicated in the plan. There is sufficient to meet expected demand as stated in the Highland-wide LDP.
5. I note however that the council consider Mr Makay's representation to have some merit and that it does not appear to harm the overall settlement strategy for Drumnadrochit. The council's key objection appears to be that the proposal has not come

forward early enough for its inclusion in the consultative phases of the plan. The lack of opportunity for further community and professional assessment of the proposal would require the need for further consultation on this proposal. Were it to become a necessity to accommodate the Brewery's expansion through relocation and development this could still be the subject of a planning application albeit as a departure from the development plan. As the council suggest the site could be included in a subsequent review of the plan had this course of action not been pursued. I therefore consider that no modification of the plan is at this time required on this issue.

DR2 North of Crocan Burra Burial Ground

6. I note the support for this proposal and the council's willingness to accept a modification to note potential drainage issues. The requested modification however would be of a minor nature and would cover matters to be adequately covered by other planning policy and legislation. I consider that a modification is not therefore required to achieve the aims of the Glenurquhart Community Council's representation.

DR3 Land at West Lewiston

7. I note that the site is not at present useable public open space and that given the alignment of the site and the low traffic speeds in the surrounding streets there is every prospect that it could accommodate the 2 houses envisaged. There is at present a requirement noted in the text of the plan to achieve a green corridor access through the site. This may, or may not, be achievable by a transfer of land to the Glenurquhart Greenspace Company but I consider that it would be premature to speculate on the final solution in the local development plan. This is a matter which can better be negotiated at planning application stage.

DR4 Land west of post office

8. The plan makes perfectly clear that any development proposal is dependent on an adequate flood prevention scheme. Were this to be completed and flood risk assessment prove satisfactory the site in the centre of the village and adjacent to the main village car part would undoubtedly have potential for the tourism, business, retail and community uses envisaged. This would benefit the economic prospects for the village and in consequence I consider that no modification of the plan is necessary.

DR6 Land south west of Coiltie Crescent

9. The allocation of the site complies with the revised settlement strategy outlined above in that it seeks to secure greater activity in the centre of the village with consequent benefits with respect to access to retail and community facilities.

10. I note the concerns of Caroline Stanton with regard to the landscape impact of development on the valley floor as opposed to the margins of the glacial flood plain as was formerly the case. The site would however be similar to the adjacent housing. It would certainly be seen from the A82 tourist route through the village but with appropriate landscaping planting and design quality would not in my view be detrimental to the appearance of Drumnadrochit.

11. I note the Transport Scotland desire to ensure that access from the site is to local roads and not directly to the A82. From my site inspection I can understand why

Transport Scotland would wish to prevent any proliferation of further direct access to the A82. This cannot however be at the expense of the well planned growth of the village, and I consider that some direct access serving sites DR6 and DR7 is probably necessary. That needs however to be properly planned and development financed. The requirement for a masterplan/ development brief as specified in the plan should be able to deal with these concerns without further modification of the plan.

DR7 Land south of medical practice

12. Mr Wynne Evans' representation has been withdrawn. The site area was amended by the council as a pre-examination modification.

DR8 Retail units on A82/ Balmacaan Road

13. I note the council's response to the request for some upper floor housing element. There is however no stated objective of reducing the building impact and of restricting the site to a single storey structure. There is no convincing evidence provided for a single storey structure or for the lack of upper floor residential accommodation. This however is a matter which can be determined at planning application stage where the option for ancillary residential use could be considered. In consequence I do not consider a plan modification necessary. The site area was amended by the council as a pre-examination modification.

DR9 Medical Practice

14. I accept that there could be access issues for the development of such a restricted site for retail, business or community use. I also note the council's acceptance of the Community Council's proposed alternative of housing. Although such a small allocation within the development envelope of the village could be dealt with through the planning application process, I consider that an amendment to a housing allocation could provide certainty for any proposal for the redevelopment of the existing building.

DR10 North of Shinty Pitch

15. The intention appears to be to safeguard the site for sports and recreational facilities. The broader definition of community uses could undermine this intention. No modification is therefore recommended.

Reporter's recommendations:

It is recommended that the uses for site DR9 be amended to add 'housing'.

Issue 33	Fort Augustus	
Development plan reference:	(Paras. 4.107-4.109, Pages 110-113)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Fort Augustus & Glenmoriston Community Council (00285) Scottish Canals (00655) Marjory Mackenzie (04061) Elizabeth Maclean (04301)	Carmelita Aiston (04463) Jenny Mackenzie (04474) M Brady (04478) Lesley Findlay (04479)	
Provision of the development plan to which the issue relates:	Fort Augustus	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Marjory Mackenzie (04061) - Seeks a control on maximum number of houses because: the village population is around 600 spread over a large area and concentrating 150 people in one site would totally change the village; lack of employment and seasonal nature of what does exist; outwith Inverness commuting range; retired people don't add to the local economy; inadequate local school capacity; loss of village character; of lack of supporting infrastructure, and; of number of vacant and for sale properties.</p> <p>Scottish Canals (00655) - Seeks additional Plan content because: it has a significant role and landholdings within Fort Augustus and will bring forward sensitive residential development proposals for infill sites within the settlement and other canal/tourism related uses along the canal; it is involved in the preparation of the Conservation Appraisal/Management Plan/Supplementary Guidance for Fort Augustus and this will essential to shape its proposals, and; FA5 makes no reference to the proposed camping pods which may impinge upon the proposed FA5 site allocation. FA7 - supports the identification of this site for business use/canal related tourism.</p> <p>Carmelita Aiston (04463) - Opposes new large scale housing development because: inadequate sewerage capacity, and; lack of local employment opportunities.</p> <p>Jenny Mackenzie (04474) - Seeks reduced housing capacities because: lack of year round employment opportunities; village dependent upon tourism employment which in turn is dependent upon attractive village which may be harmed by excessive development; low indigenous housing need/demand; rapid influx of people will upset social balance of the community; inadequate existing water supply; of traffic congestion on main A82 route through village; numerous properties already for sale, and; of influx of people without employment who will make it more difficult for young local people to get jobs.</p>		

M Brady (04478) - Concerned that too much housing development will destroy the village character of Fort Augustus.

Lesley Findlay (04479) - Opposes level of proposed growth because of: lack of supporting infrastructure; lack of employment to occupy new residents; loss of village character; excessive scale of sites, and; need to absorb people socially which is better done by organic growth.

FA1 Markethill

Elizabeth Maclean (04301) - Opposes because: unwilling to release her land within allocation; doesn't want access to her croft land in FA5 from FA1; no indigenous demand because of a lack of local employment, and; fearful that unemployed problem families will be housed here. Also opposes all housing development for non indigenous demand in Fort Augustus (assumed).

Fort Augustus & Glenmoriston Community Council (00285) - Seeks reduced scale of allocation because: this is the expressed consenses of the local community; excessive size in relation to size of existing commuity; should only meet indigenous demand; should only be matched to local employment opportunities (of which there are few); commuting to Inverness is impractical; inadequate water and sewage capacity; no easy or favourable access from the A82; the site boundary encloses private garden ground; of loss of part of working croft which has two houses on its land; of distress caused to affected occupants, and; it does not include a new vehicle repair workshop built within the area. Also welcomes allocations FA5, FA3 and FA6 if retained for education purposes.

FA5 Fort Augustus Golf Course

Elizabeth Maclean (04301) - Opposes development because: all of their croft land would be lost as a result; of adverse impact on viability of croft; lack of consultation until now, and some land already provided to Fort Augustus Golf Club. Objects because: the site is not amenity land for a golf course extension it is part of a working croft, and; the Council has been devious in allocating it as amenity/golf course land.

Modifications sought by those submitting representations:

General

M Brady (04478) - Deletion of all housing development sites or reduction in their capacities.

Lesley Findlay (04479) - Deletion of or reduction in capacity of housing sites.

Marjory Mackenzie (04061) - A maximum housing capacity of 20 units across all allocated sites.

Scottish Canals (00655) - Text in para 4.109 should make reference to role of Scottish Canals in working with Highland Council and others to prepare Conservation Appraisal/Management Plan/Supplementary Guidance for Fort Augustus to help bring forward sensitively designed, residential infill opportunities within the village. Text and/or FA5 should make reference to the proposed Camping Pods which SC has submitted for

planning. Additional reference to Scenic Tourist Routes project and the potential to implement improvements at this location and this should include enhancements to the visitor experience and pedestrian movement and safety on the A82.

Carmelita Aiston (04463) - Reduction in number of houses proposed across village (assumed).

Jenny Mackenzie (04474) - Total housing capacity of all allocations should be 10 units.

FA1 Markethill

Elizabeth Maclean (04301) - Deletion of allocation.

Fort Augustus & Glenmoriston Community Council (00285) - Reduced boundary and housing capacity. Site reduced to area closest to village (adjoining FA6). Additional developer requirements - phasing - development should not exceed 10/12 houses in 3 year phased builds to a maximum of 36 properties. Housing Mix - a mix of 25% social and 75% private should be maintained. Local Housing Needs Survey - to confirm size and nature of local housing need.

FA5 Fort Augustus Golf Course

Elizabeth Maclean (04301) - Deletion of allocation (assumed).

Summary of responses (including reasons) by planning authority:

General

- Fort Augustus' distance from any other large settlement and its centrality to the Great Glen movement corridors has allowed it to support a range of community and commercial facilities disproportionate to its existing population. However, much of the local employment and trade is tourism dependent and therefore seasonal. Accordingly, housing development aimed at the year round occupier has been limited. The settlement is also outwith a reasonable commuting range of jobs in Fort William or Inverness. Against this backdrop, the Plan's strategy for Fort Augustus is to encourage further, longer season tourism employment via new facilities such as the canoe trail and its associated accommodation. If successful this tourism led growth will create the need and demand for new housing which should be allocated for. In recent years limited private housing demand has been accommodated in surrounding crofting townships and open countryside locations. Although understandable and a cheaper source of housing plots, this is not a sustainable location for the majority of development.
- Therefore, the Council believes it is appropriate to allocate housing sites within the village. However, the severance and constraint to development imposed by the trunk road, river and canal corridors limits the number and location of potential sites. Add in the built heritage and woodland constraints at the Abbey and the poor width and alignment of the side road network and it becomes obvious why the Council's primary site search area was at Markethill to the south west of the settlement. It too suffers from constraints in terms of multiple ownership, crofting tenancies and the difficulty in forming a suitable trunk road access. Its large size and capacity is a product of an attempt to persuade landowners to co-operate in its release and to create the certainty

of a development return sufficient to justify the high up front costs of engineering a difficult trunk road access and sewerage upgrade. Objectors' concerns about the capacity of the local primary and secondary schools are unfounded - both have more than enough spare capacity (47 and 57 places respectively) to accommodate the pupil product from 100 new homes. However, the respondents' concerns about over-development are recognised (in particular the need for more organic growth in keeping with an increase in local employment levels) and the Council would be content if the Reporters were to recommend that this level of development were to be curtailed by phasing and/or reduction of the allocated sites (see detail for each site below).

- The role of Scottish Canals as a local employer, landowner and developer is accepted by the Council but the only proposal of significant scale is allocated for on site FA7. The camping pods are of low scale and impact and on the margins of the village boundary. However, should the Reporters see fit, then the Council would agree with a reference to the role of Scottish Canals being added to the supporting/justification text within paras. 4.107 and 4.109. This would explain the role and importance of Scottish Canals in leading the growth of tourism facilities, accommodation and employment within Fort Augustus.

FA1 Markethill

As stated in the General section above, development site selection in Fort Augustus is problematic and the Markethill area was arrived at through a process of elimination. The site benefits from an adopted local plan allocation and an approved development brief which explains and seeks to resolve the constraints to development. The relatively large site size was to achieve economies of scale in terms of the high up front costs of engineering a suitable trunk road access and sewerage upgrade. Affordable housing agencies have undertaken considerable feasibility work to check development costs and encourage co-operation between the relevant owners and crofting tenants. However, given the representations received and the recent loss of the southern part of the site to piecemeal development then the Council would accept, should the Reporters see fit, a reduction in the site boundary (and therefore its capacity also) to limit it to the northern portion only albeit retaining a viable access from the A82(T). If such a change is recommended then it would also be prudent that retention of the worked croft land and vehicular access to it should be added as a developer requirement. Opposition to non-indigenous housing occupiers is not a valid planning objection.

FA5 Fort Augustus Golf Course

Golf course development does not represent an irreversible loss of agricultural land. There are several golf courses in Highland which are also used for grazing albeit greens are electric fenced to protect them. The two uses are not wholly incompatible and the existing course is grazed by sheep stock. The allocation will not be enforced by compulsory purchase and therefore it will be up to the crofting and landowner interests to decide whether they wish to release the land for golf club use. The Council believes that expansion of the Club to 18 holes would be compatible with its strategy for the village of expanding tourist facilities and employment. Accordingly, the Council believes this allocation should be retained without modification.

Reporter's conclusions:General

1. There are three main issues raised by representations; namely concern over the scale of increase proposed; the lack of non-seasonal employment and the need to recognise the role of the canal and Scottish Canals' land holdings.
2. The plan allocates land for almost 100 new homes. This could represent between 150 and 200 new residents in the village. With a population of only around 600 this would be a very large increase for the village to absorb within the timescale envisaged by the plan. The village lies outwith the growth corridors identified elsewhere in the plan. The overall strategy for growth is defined in the plan as tourism led regeneration based on the village's centrality and accessibility within the Loch Ness corridor. It is further justified above, by the council, in terms of reinforcing this function of a hub for the surrounding area enabling housing demand to be met in a more sustainable way in the main centre rather than the surrounding crofting townships. This growth strategy inevitably will result in immigration to the village. It would neither be possible nor desirable to restrict housing supply solely to the indigenous population.
3. Whilst there is some logic to this strategy the main economic driver for the village will remain tourism which enables it to sustain a range of facilities disproportionate to its population. Population increases of the scale envisaged by the land allocation would however need a significant increase in year round or greatly extended season tourism to enable a range of sustainable employment opportunities for the additional residents. Neither the plan nor the council's response to the representations on this issue provide any quantified numerical justification for jobs arising from a year round canoe trail designation. I doubt that it would account for many.
4. The real underlying reason for the allocation of the Markethill site and its proposed contribution of 58 further houses is the need to provide a development opportunity of such size that it would encourage landowners to pool their efforts and generate sufficient returns to cover the upfront costs of highway and sewerage improvements. I note that the council accept that the rate of increase proposed may be disproportionately high and advocate some reduction of the Markethill site to the northern part only. I consider that it would be difficult to predict within the plan examination what reduction would be possible whilst retaining the attractiveness of the site for development. That calculation would be better done as part of the Markethill Site Development Brief which I recommend the council to revisit.
5. Scottish Canals are concerned to have greater reference in the plan to the role of the canal in promoting tourism and the need for them to be party to the preparation of a Conservation Area Management Plan. The setting of the canal locks and the basin giving access to Loch Ness is clearly one of the key features of the village and an undoubted attraction for visitors. I agree with Scottish Canals that it should have a separate mention in the key bullet points describing the council's strategy for development of the village.
6. The Caledonian Canal is a listed structure and the setting of the canal and the canal side buildings are integral to any conservation management plan. The involvement of Scottish Canals in the preparation of the Conservation Area Management Plan I take to be implicit and does not need special mention. Similarly the possible development of

camping pods at the end of the flight of locks, and which may impinge on site FA5, is a development opportunity which can be accommodated as a separate planning application rather than being noted in the plan.

FA1 Markethill

7. The site is carried forward from the extant development plan as an allocated site. As noted above its size reflects the need to provide a development opportunity of sufficient scale to enable resolution of access and sewerage problems. The council accepts that development of the whole of the site may already have been compromised by piecemeal development of the southern portion and that some reduction of the allocated site is now appropriate. Given the difficulties with topography, access and sewerage infrastructure it needs revisiting in some detail by a reworking of the Markethill Development Brief.

8. The plan therefore needs to make specific reference to these constraints to growth which cast doubt on the housing supply figure and to refer to a revised Development Brief which will clarify the matter.

FA5 Fort Augustus Golf Course

9. I agree with the council that making provision in the plan for an expansion of the golf course to 18 holes would enhance the tourist offer of the village and be consistent with the overall strategy of the plan. I note that it would not necessarily be incompatible with continued use of the land for grazing and would not therefore represent a threat to the continued crofting activities currently carried on. I also note that it is the intention of the council that any realisation of this opportunity should be by negotiation with the various landowners and not the subject of compulsory purchase.

10. I therefore conclude that the allocation of site FA5 should remain unaltered.

Reporter's recommendations:

It is recommended that:

1. The wording of the requirements for site FA1: Markethill be revised to read: "As per development brief to be amended to reconsider the capacity of the site, and reflect difficulties with topography, access and sewerage infrastructure.

2. The following sentence be added to bullet point 2 of paragraph 4.107: 'Together with Scottish Canals, development of canal based tourism and opportunities for canal side tourist facilities.'

Issue 34	Inchmore	
Development plan reference:	(Para 4.110, Page 113)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Paul Whitefoot (00973) JMB Design (03120)	Andrew Melville (03968) Lovat Highland Estates Ltd (04230) Seafield Motors (Inverness) Ltd (04307)	
Provision of the development plan to which the issue relates:	Inchmore	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Paul Whitefoot (00973) - Seeks clarification if development would be supported on land within settlement development area but without a specific allocation.</p> <p>Concerned amenity area north of old primary school is not safeguarded for amenity use.</p> <p>Scottish Water (00396) - Wants to be made clear that there is existing capacity at Glenconvinth Water Treatment Works and that a cumulative effect over time may require investment but does not present an issue currently.</p> <p><i>New Sites Previously Consulted On</i></p> <p>Lovat Highland Estates Ltd (04230) - Opposes exclusion of Main Issues Report (MIR) site reference H1 [CD5, Inchmore Site H1, page 25] because: safe access available which is safer than access to supported sites directly off the A862; no disruption to A862 for infrastructure crossings; rounds off existing settlement pattern; flat ground and no tree or woodland issues. Sketch site layout drawing supplied [04230/IC General/1] that illustrates a development comprising a cul-de-sac of six homes, access taken from the B9164; exclusion of development at location of mature trees and new landscaping on the northern boundary of the site and part of the western boundary.</p> <p>Paul Whitefoot (00973) - Supports exclusion of MIR site reference H3 [CD5, Inchmore Site H3, page 25] because: allows consolidation of settlement and limits ribbon development.</p> <p>Seafield Motors (Inverness) Ltd, JMB Design (04307, 03120) - Oppose exclusion of MIR site reference H3 because: it was a preferred site in the MIR; attached plan [04307/IC General/1] indicates the neighbouring site MIR reference H5 [CD5, Inchmore Site H5, page 25] has similar flooding potential therefore the sites should be treated consistently; local residents of between 50 and 70 years have not seen the area flood, questions if the Scottish Environment Protection Agency (SEPA) has held records for this length of time; it is a logical expansion area and would improve the appearance of village entrance. Notes</p>		

that site is subject to a current planning application and landowner is willing to commission a flood risk assessment to support the allocation and/or planning application.

IC3 Former Inchmore Hall

Andrew Melville (03968) - Opposes restriction of site to business use due to: there being a more suitable site elsewhere in the village in terms of planning history, proximity to population and road safety; limited marketability and more likely to secure future business tenants if there was an option to live on site.

Modifications sought by those submitting representations:

General

Paul Whitefoot (00973) - Clarity as to whether development will be supported on land within settlement development area but without a specific allocation (assumed).

Safeguard amenity area to north of former primary school amenity use.

Scottish Water (00396) - Amendment to last sentence in para 4.113 to “Early engagement is required to take place between Developers and Scottish Water, to ensure any additional capacity demands at Glenconvinth Water Treatment Works in the future can be delivered in line with development.”

New Sites Previously Consulted On

Lovat Highland Estates Ltd (04230) - Allocation of MIR site reference H1.

Paul Whitefoot (00973) - Support for exclusion of MIR Site H3.

Seafield Motors (Inverness) Ltd, JMB Design (04307, 03120) - Allocation of MIR site reference H3.

IC3 Former Inchmore Hall

Andrew Melville (03968) - Allocation of site for mixed use, specifically business and/or housing.

Summary of responses (including reasons) by planning authority:

General

(00973) - The legend for the plans inset maps includes a thick black line which illustrates the extent of the ‘settlement development area’ [CD6, Legend]. The definition of a ‘settlement development area’ is also included in the plans glossary [CD6, Glossary, Page 165]; it explains that these are preferred areas for most types of development subject to consistency with Highland-wide Local Development Plan (HwLDP) Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. It is therefore considered that the Proposed Plan adequately makes clear that development will be supported within settlement development areas subject to meeting the requirements of HwLDP Policy 34. Accordingly the Council believes that no further clarification is required within the

Proposed Plan.

Paul Whitefoot (00973) - The inset map for Inchmore [CD6, Inchmore, Page 114] does in fact identify land to the north of the former Inchmore Primary School as open space. The plans glossary [CD6, Glossary, Page 165] explains that safeguarded areas of green space are areas where the Council does not wish to encourage development because they represent green space from which the public derive an amenity value. It states that the protection of these areas is underpinned by policies within the HwLDP (in particular policies 75 and 76) [CD1, Policy 75 and Policy 76, Pages 132, 134].

Scottish Water (00396) - The Council support the proposed change as it reasonably clarifies that additional capacity should be proportionate to development needs. Accordingly the Council would support such a change should the Reporters wish to recommend it.

New Sites Previously Consulted On

Lovat Highland Estates Ltd (04230) - MIR site reference H1 was a non-preferred site in the MIR. The A862 is a well used road that provides an important connection to settlements west of Inverness including Beauly and Muir of Ord. However the A862 is not a trunk road and the Council's roads officers are content that the principle of access to sites IC1 and IC2 from this road can be achieved by utilising an existing junction. Therefore whilst the B9164 is likely to carry less traffic than the A862 there is no evidence to suggest access to site H1 would be safer than the proposed access to site IC1 and IC2.

In terms of no disruption to the A862 for infrastructure crossings, it is assumed this relates to potential closures/partial closure of the A862 for the delivery of utilities (water, electricity, sewerage etc.) to the sites IC1 and IC2. Whilst it is accepted that utilities would need to be provided there is no evidence to suggest that their provision would result in disruption to the A862.

Given the existence of the B9164 and mature trees between the site and the settlement it is not considered a logical expansion area. Furthermore the Council's preference is for the consolidation rather than expansion of the settlement [CD6, Paragraphs 4.110-4.113, Page 113].

It is accepted the site is flat ground, however it would result in the incursion into the corner of a larger field and would be visually prominent.

Several mature trees form the eastern boundary of the site. These trees have amenity value and also help to define the western boundary of the settlement along with the B9164. The sketch site layout drawing supplied shows a development exclusion area at these trees. However, without a more detailed plan showing the extent of tree protection areas, concern remains that development may affect these trees.

Accordingly, the Council believes the site should continue to be excluded from the Plan.

Seafield Motors (Inverness) Ltd, JMB Design, Paul Whitefoot (04307, 03120, 00973) - MIR site reference H3 was preferred in the MIR mainly on the basis that site was partially brownfield and provided an opportunity to improve the appearance of the village gateway. The site was excluded from the Proposed plan as there were major flood risk issues associated with the site; at least 50% of it is identified as being at risk from flooding on the

SEPA Indicative Coastal and River Flood Map. As a result, and without any satisfactory flood risk information being provided by the landowner, both SEPA and the Council's Flood team objected to the allocation of the site in the plan [SEPA Response to MIR THC IC General/1]. The revised SEPA Flood Maps published in 2014 continues to show that much of the site is at medium risk from fluvial flooding.

With regards to MIR site H5 (site reference IC1 in the Proposed plan [CD6, IC1, Page 115]) the revised SEPA Flood Map published in 2014 shows that a northern section of the site is at medium risk of pluvial flooding but is not at risk of fluvial flooding. The extent of pluvial flood risk area is smaller than MIR site reference H3 and both SEPA and the Council's Flood Team did not object to the allocation of this site. Furthermore a requirement of IC1 is a flood risk assessment.

In terms of submitting a flood risk assessment a planning application (reference 13/00118/FUL) for seven housing plots was submitted to the Council on the site shown as H3 in the MIR in January 2013. This application remains pending for a number of reasons, primarily due to the application being submitted prior to the proposed plan being finalised and an outstanding objection from the Council's Flood Team due to the absence of a flood risk assessment [Memorandum from Flood Team THC IC General/2].

It is acknowledged that longstanding residents may have never seen the area flood, however this anecdotal evidence cannot be taken at face value. Furthermore Scottish Planning Policy [THC IC General/3, Para 203] explains that for planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year, as explained above the revised SEPA Flood Maps published in 2014 continues to show that much of the site is at medium risk from fluvial flooding.

The landowner's agent indicated in his response to the proposed plan consultation that the landowner was willing to commission a flood risk assessment to support the allocation in the plan and the planning application. However a flood risk assessment has not yet been received and therefore the allocation cannot be supported by the Council.

It is not considered that the site constitutes ribbon development given the composition of it, whereby it is not a linear development fronting onto a public road. Furthermore, whilst the development of sites IC1 and IC2 would allow consolidation of the settlement, it is considered that site H3 would also allow for consolidation given it is partially brownfield and housing is present to the south. Whilst it is accepted that the site may form a logical expansion area and its development would improve the appearance of the village entrance, the risk of flooding on the site outweighs these considerations.

Accordingly, the Council believes the site should continue to be excluded from the Plan.

IC3 Former Inchmore Hall

Andrew Melville (03968) - The site is an area of 0.1 hectares and contains the former Inchmore Hall which is currently used as a workshop and showroom. The allocation was carried forward from the Inverness Local Plan [CD2, Inchmore Site Reference 3, Para 3, Page 80] but reduced in size by approximately half to omit an area that was granted planning permission for a house.

Planning permission was granted in 2006 for a convenience store and three flats at land adjacent to the Old North Inn that lies close to the western boundary of Inchmore. This

planning permission was not implemented and has since lapsed. Whilst the site adjacent to the Old North Inn may be also be suitable for a business allocation, given that the previous planning permission was not implemented the site is unlikely to be effective in terms of ownership and marketability. An objective of the plan is to increase the number of jobs, people and facilities in the Inner Moray Firth. To this end land has been allocated for employment purposes in the majority of settlements. The site has already been reduced in size in comparison to the MIR (site B1 [CD5, Inchmore Site B1, Page 25]) as result of planning permission being granted for a house. By adding flexibility to the site by allowing business and/or residential use this may compromise the ability of the site to provide local employment opportunities. Furthermore sufficient land has been allocated for housing in the settlement adjacent to the site which, dependant on the timing of the delivery of the housing, may allow any future business occupants of the building to live nearby. Lastly given the small size of the site there are concerns that it could not accommodate both business use and housing to a satisfactory standard.

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

Reporter's conclusions:

General

1. The plan adequately outlines the settlement development area within which proposals for development which comply with policy 34 of the Highland-wide Local Development Plan are likely to be supported. I agree with the council that no further clarification of potential development sites within this area but not subject to specific use allocation is necessary.
2. I note that the former development area H3, north of the primary school is now safeguarded as public open space. No further modification of the plan is therefore needed to accommodate the representation of Paul Whitefoot.
3. Lovat Highland Estates seek inclusion of the site H1 from the earlier stage of preparation of the plan. Generally the plan has a generous allocation of land particularly for housing. Additional sites outwith the development envelope of the village are therefore not required at this time to meet the land supply requirements for the plan period. I note the council's assertion that access from the B9164, as would be possible for former site H1, would not be intrinsically safer than access from the A862. Taken together with the possible effect on mature trees from development of the site I conclude that there are no intrinsic advantages from changing the allocation to former site H1.
4. Similarly former site H3 is subject to a greater degree of flood risk, as identified by SEPA and the council, than site IC1 and its inclusion in the plan in substitute to IC1 cannot be justified.
5. Scottish Water has requested a clarification of the wording used in the plan which is supported by the council. I see no reason to disagree.

IC3 Former Inchmore Hall

6. The planning history of the site would suggest that getting a long term business user for the building may be difficult. I appreciate the aim of Mr Melville in trying to get some sustainable use even if this means accepting a mixed use including some residential. I

note however the need for employment activities identified in the plan and the efforts of the council to achieve this. The larger site in a former version of the plan has already been compromised by permission for a house. It is now effectively too small to accommodate such a mixed use and leave any credible employment capacity. To leave the site unallocated, subject only to the requirements of the Highland-wide LDP policies for development within the development confines of the village would be to invite speculation on its use for housing. On balance therefore I consider that the site should remain in the plan as allocated with no modification in the expectation that represents the best prospects for attracting an employment user.

Reporter's recommendations:

It is recommended that the last sentence in paragraph 4.113 be amended to read: "Early engagement is required to take place between developers and Scottish Water, to ensure any additional capacity demands at Glenconvinth Water Treatment Works in the future can be delivered in line with development."

Issue 35	Kiltarlity	
Development plan reference:	(Para 4.114, Page 115)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Hamish D Maclennan (03188) Blueprint Architecture & Design Limited (03858)	Kiltarlity Community Council (04050) Beaufort Castle Estate (04440)	
Provision of the development plan to which the issue relates:	Kiltarlity	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Kiltarlity Community Council (04050) - Asserts village been subject to flooding, in particular at its access roads and Balgate Drive.</p> <p>Scottish Water (00396) - Wants to be made clear that there is existing capacity at Glenconvinth Water Treatment Works and Kiltarlity Waste Water Treatment Works and that a cumulative effect over time may require investment but does not present an issue currently.</p> <p><i>New Sites Previously Consulted On</i></p> <p>Kiltarlity Community Council (04050) - Asserts plan should prioritise redevelopment of former builder's depot for sheltered prior to development of any green field site because: is a brownfield site and it is unsightly.</p> <p>Support exclusion of Main Issues Report (MIR) site references H1 and H8 because of existing scale of village expansion a result of existing planning permissions.</p> <p>Beaufort Castle Estate (04440) - Seeks southern section of MIR site H1 (as shown on supplied site boundary drawing [04440/KT General/1]) to be allocated for 30 homes, business and community uses because: consistent with plans spatial strategy; layout complements existing settlement pattern; logical expansion area; significantly reduced in size since MIR; provision of improved car park for existing village hall; creation of employment; close proximity to existing village; in keeping with landscape characteristics; masterplan lead; advance landscaping to minimise impact upon nearby Designed Landscape; employment uses provided prior to residential; reflects role of local centres in meeting local housing demand; deliverable within plan period; willing to provide sufficient infrastructure. Principles illustrated on supplied proposed development framework and precedent images [04440/KT General/2].</p>		

New Sites Not Previously Consulted On

Hamish D Maclennan, Kiltarlity Community Council (03188, 04050) - Wishes land to be allocated for expansion to Tomnacross Cemetery because: existing yard is almost at capacity; landowner uncooperative; limited land take required; strong community support.

KT2 Glebe Farm South

Kiltarlity Community Council (04050) - Objects because: number of houses permitted on KT1 and KT3 have increased significantly since original planning permissions were granted resulting in increased density.

Asserts that if KT2 remains in the Plan then the allocation should be amended: housing capacity reduced; requirement for road improvements to Primary School, specifically twin track road, defined kerb, path and street lighting in the interests of road safety.

Blueprint Architecture and Design Limited (03858)

Supports because: identified for future expansion in previous Local Plan; neighbouring land allocated for housing and currently being developed; some infrastructure improvements in place including removing power cables and provision of service connections; logical expansion area; suitable access; close proximity to primary school; landowner looking to explore layouts including junction improvement, landscaping and initial archaeological assessment.

Modifications sought by those submitting representations:

General

Kiltarlity Community Council (04050) - Requirement for upgrading of roads and drainage infrastructure (assumed).

Scottish Water (00396) - Amendment to last sentence in para 4.117 to “Early engagement is required to take place between Developers and Scottish Water, to ensure any additional capacity demands at Glenconvinth Water Treatment Works and Kiltarlity Waste Water Treatment Works in the future can be delivered in line with development.”

New Sites Previously Consulted On

Kiltarlity Community Council (04050) - Allocation of former builder’s depot for sheltered housing; requirement for builder’s depot to be developed prior to any green field sites.

Supports non-inclusion of MIR H1 and H8.

Beaufort Castle Estate (04440) - Allocation of southern section of site reference H1 from MIR for: mixed use including 30 homes, business and community. Requirements to specify: in accordance with the general policies for determining planning applications as contained within the Highland wide Local Development Plan, a phased development of employment generating and residential uses. This should be led by a masterplan and development brief to be reviewed with the Council who may support this as supplementary guidance. Advanced landscaping along the site’s northern boundary required. A new car park for the village hall and the construction of office uses prior to the commencement of

residential development.

New Sites Not Previously Consulted On

Hamish D MacLennan, Kiltarlity Community Council (03188, 04050) - Land to be allocated for expansion to Tomnacross Cemetery.

KT2 Glebe Farm South

Kiltarlity Community Council (04050) - Removal of site; failing this reduce housing capacity; requirement for road and footway improvements to Primary School.

Summary of responses (including reasons) by planning authority:

General

Kiltarlity Community Council (04050) - The Proposed Plan does not identify flooding as a constraint to development in Kiltarlity, neither at a settlement wide level or on an individual site basis. Both Scottish Environment Protection Agency (SEPA) and Council's Flood Team did not object to this approach. The SEPA Flood Map published in 2014 shows that small areas of Kiltarlity have a medium risk of surface water flooding. The majority of these areas are outwith allocations in the Proposed Plan. Given that small areas that are at risk of flooding the limited impact this is likely to have on land proposed for development, it is not considered necessary for the Plan to identify flood risk as a constraint to development in the settlement.

Scottish Water (00396) - The Council support the proposed change as it reasonably clarifies that additional capacity should be proportionate to development needs. Accordingly the Council would support such a change should the Reporters wish to recommend it.

New Sites Previously Consulted On

Kiltarlity Community Council (04050) - The Inverness Local Plan allocated the former builders depot in Kiltarlity for 3-6 houses, the requirements stated that it was suitable for sheltered/specialist housing [CD2, Site Reference 1, Page 71 and Site Reference 1, Kiltarlity Inset Map]. Planning permission (ref: 04/00872/FULIN) was granted in 2004 for the erection of 4 houses on the site. This permission was not implemented and has since lapsed. Given the Plan focuses on key areas of change, specific allocations for sites with an expected capacity of fewer than 10 homes were not made unless there were exceptional circumstances, for example where the Plan content could add value by providing detailed guidance. Furthermore, should an application for housing or any other use come forward on site the principle of development would be supported by Highland-wide Local Development Plan (HwLDP) Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. This policy presumes in favour of development subject to detailed considerations. Therefore it is not considered appropriate for a specific allocation to be made at the former builder's depot.

In terms of prioritising redevelopment of the depot before greenfield sites it is not possible for the Plan to require this. Whilst Scottish Planning Policy and the HwLDP supports redevelopment of brownfield sites, any prioritisation of the site would not provide sufficient

housing land to give flexibility and market choice. Accordingly, the Council believes the site should continue to be shown as white land in the Plan.

Kiltarlity Community Council, Beaufort Castle Estate (04050, 04440) - The landowner originally sought the inclusion of a larger site shown as site reference H1 in the MIR for housing [CD5, Site H1 Kiltarlity, Pages 28-29]. This site was non-preferred in the MIR for a number of reasons, including the incursion into a large open field; loss of prime quality agricultural land; impact on the nearby Beaufort Castle Designed Landscape; two relatively large scale sites are currently under construction in the settlement [CD6, Site KT1 and KT3 Kiltarlity, Pages 115-117] which contribute towards the already generous land supply in the Inverness Housing Market Area.

The representation now proposes to reduce the allocation to approximately half of the field, and requests it is allocated for mixed use, specifically 30 homes, business and community. It is accepted that there is greater merit in the current proposal in comparison to the original proposal shown in the MIR, particularly in terms of the potential provision of improved car park for existing village hall; phasing of employment uses prior to housing as well as the creation of employment opportunities. However an alternative location for employment uses is provided at site KT4 [CD6, Site KT4 Kiltarlity, Pages 116-117] which is a brownfield site and the merits of the proposal are not sufficient to justify an increased housing land supply when two relatively large sites are currently under construction, and a further effective site (KT2) is proposed to be allocated for housing, all of which contribute towards the already generous housing land supply in the Inverness Housing Market Area. Accordingly, the Council believes the site should continue to be excluded from the Plan.

New Sites Not Previously Consulted On

Hamish D MacLennan, Kiltarlity Community Council (03188, 04050) - Tomnacross Cemetery lies to the south of the village of Kiltarlity and therefore outwith the Kiltarlity settlement development area shown in the Proposed Plan. A report on Extension and Improvement of Cemeteries was presented to the Council's Transport, Environment and Community Services Committee on 14 March 2013 [THC KT General/1]. It is estimated that Tomnacross Cemetery had ten years remaining capacity. The report explains that cemetery capacity would be kept under review and the cemeteries that fall below a 10 year capacity will be taken forward for inclusion in the Council's Capital Programme.

Given the location of the cemetery some distance from the settlement development area it would be inconsistent to make an allocation for an extended cemetery at this location; furthermore a site has not been considered during earlier consultation periods on the Plan. In addition should a planning application be submitted for a cemetery expansion at this location it would be assessed against the HwLDP's Policies for Development in the Countryside, these policies allow for development in countryside where there is an operational requirement.

Nevertheless, given that the cemetery capacity is limited, to provide recognition of this issue it is considered that it would be appropriate for this to be recognised in the general text for Kiltarlity. Accordingly the Council would support the following additional sentence in paragraph 4.121 'Tomnacross Cemetery has limited remaining capacity; land for a cemetery expansion may be required during the Plan period' should the Reporters wish to recommend it.

KT2 Glebe Farm South

Kiltarlity Community Council, Blueprint Architecture and Design Limited (04050, 03858) In the Inverness Local Plan three sites were allocated on what is now shown as site KT3 in the Inner Moray Firth Proposed Local Development Plan [CD2, Site Reference 4 and 6, Page 71 and Site Reference 4 and 6, Kiltarlity Inset Map]. The allocations in the Inverness Local Plan were for community use and 12 houses. A planning application (reference: 04/00091/FULIN) was permitted for 14 houses and provision of public open space and allocation of ground for future community use and improvements to existing public access road in 2007; and a subsequent application (reference: 09/00007/FULIN) was permitted to erect 24 houses, provide open space, community use and access in 2009. It is accepted that the number of houses for which permission was granted has increased from the capacity specified in the Inverness Local Plan and also following subsequent planning applications.

With regards site KT1, only part of this site was allocated in the Inverness Local Plan for 15 houses. However following a successful planning appeal and several subsequent planning applications for housing on the northern part of the site and changes to house types and numbers a total 83 units are currently permitted on the site. A total of 13 affordable units have been completed on the site. This means the remaining capacity of the site, as specified in the Proposed Plan, is 70 homes.

It is accepted that the permitted capacity of both KT1 and KT3 is significantly higher than the capacity specified in the Inverness Local Plan and the original planning permissions. However Scottish Planning Policy requires planning authorities to promote the efficient use of land and there are other recognised benefits of higher density development for example reduction of land take, creation of compact 'walkable' neighbourhoods; provision of a range and mix of housing types and greater viability of local shops, services and public transport. As such, the Council supports higher density development subject to detailed design that demonstrates an efficient use of land and a satisfactory site layout. Despite the increases in density to sites KT1 and KT3 in comparison to the Inverness Local Plan it was still considered an appropriate to support the allocation of KT2 in the Proposed Plan. This was because it was safeguarded for long-term expansion in the Inverness Local Plan; it represented the most logical expansion site in terms of its position within the settlement and its provision of existing services and infrastructure. Furthermore as the two allocated sites are currently under construction it was important to identify a further site for expansion of the settlement to ensure long term allocations are identified that cover the Plan period and to provide a generous supply of housing land.

The Proposed Plan specifies a capacity of 29 homes on the 1.6 hectare site. In the absence of any proposed site layout this capacity was calculated to promote the efficient use of land whilst taking into account general site conditions and the relative accessibility of the site, consistent with the methodology described in the Proposed Plan's Housing Land Requirement Background Paper [THC KT2/1]. It was considered that just below 'medium density', specified as 20 units per hectare in the Background Paper, was most appropriate for the site. Without any reasons being provided in the representation as to why the capacity should be reduced a capacity of 29 continues to be considered appropriate.

The requirements for the site include footpaths to key destinations and specifies the primary school as one of those destinations. The footpath will be required to be provided to adoptable Council standards as specified in the Council's Roads and Transport

Guidelines for New Developments; it is therefore not considered necessary to specify this in the Plan. The road that connects Kiltarlity with the primary school runs parallel to the eastern boundary of the site. This road is currently single track. A transport assessment or transport statement may be required to support a future planning application which will demonstrate the impact on the road network and detail any required mitigation. Without this information there is no evidence upon which to require the road to be upgraded to twin track in the Plan. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. The SEPA flood map shows that small areas of the village are at medium risk of surface water flooding. This has no significant effect on the land allocations in the plan, the largest of which reflect extant permissions. SEPA do not object to the allocations in the plan.
2. With regard to the request for inclusion of sites previously consulted on, the plan has a generous allocation of land particularly for housing. Notwithstanding that the landowner seeking inclusion of the former site H1 now proposes a much reduced number of houses, additional sites outwith the development envelope of the village are not required at this time to meet the land supply requirements for the plan period.
3. Smaller sites within the settlement development area which remain as 'white land' in the plan could still come forward for development under the Highland-wide LDP Policy 34 which presumes in favour of development subject to detailed considerations. A plan allocation for the former builder's depot is not therefore required. Whilst prioritisation of brownfield land would be consistent with government policy I accept the council's argument that in this instance the small size of the site would do little to maintain flexibility and market choice. Proposals for its development would therefore be better handled by reference to the development policies of the HWLDP rather than a specific plan allocation.
4. The proposal by the Kiltarlity Community Council for expansion of the Cemetery at Tomnacross is not within the village settlement area covered by the plan. There is evidence that it will run out of capacity within the plan period but as noted by the council this matter will be kept under review and does not need a specific land allocation in the plan at this time.
5. Scottish Water has requested a clarification of the wording used in the plan which is supported by the council. I see no reason to disagree.

KT2 Glebe Farm South

6. I note the history of the development of sites KT1 and KT3 which has resulted in a significantly higher number of houses than originally envisaged. KT2 provides for the only allocated land for the longer term expansion of the village. Government and council policy generally supports higher densities of development as a more efficient use of land. I note that the density proposed for site KT2 is at the lower end of the medium density scale. There is no underlying logic to reducing this simply to remedy the perceived over supply of houses on KT1 and KT3.

Reporter's recommendations:

It is recommended that the last sentence in paragraph 4.117 be amended to: "Early engagement is required to take place between Developers and Scottish Water, to ensure any additional capacity demands at Glenconvinth Water Treatment Works and Kiltarlity Waste Water Treatment Works in the future can be delivered in line with development."

Issue 36	Kirkhill	
Development plan reference:	(Para 4.118, Page 116)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Ian Weir (00612) 3A Partnership Ltd (01034) James Macdonald (01707) Martin Snook (03947)	John Pepper (04145) Thomas Brown (04212) Lovat Highland Estates Ltd (04230) Robert Weir & Son (04427)	
Provision of the development plan to which the issue relates:	Kirkhill	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Martin Snook (03947) - Opposes suggestion that the village would benefit from a new community sports facility because a new sports facility was recently completed in Kirkhill and it is not well used.</p> <p><i>New Sites Previously Consulted On</i></p> <p>Lovat Highland Estates Ltd (04230) - Wishes Main Issues Report (MIR) site H2 [CD5, Site H2, Kirkhill, Pages 30-31] to be allocated for housing or mixed use because: suitable access can be taken from Mansfield Park; not constrained by ownership; available for immediate development; suitable for mixed use and constraint of overhead pylons would allow for open space and road access. Other supported sites within the village are constrained by access, road safety, ownership and viability meaning they will take a significant time to be delivered. In particular site is simpler to develop than KH4.</p> <p>James Macdonald (01707) - Wishes MIR site reference H4 [CD5, Site H4, Kirkhill, Pages 30-31] to be allocated because: close proximity to village amenities particularly in comparison to other supported sites; new development permitted nearby has allowed Wardlaw Road to form part of the village; landowner willing to reduce development area and number of houses permitted on site due to access constraints; access from Mansfield Park is achievable - limited loss of trees; small watercourse can be crossed with ease and any requirement to purchase third party garden ground is questionable, actual land boundaries need examined to determine true ownership; access may be possible from Wardlaw Road for development of a smaller area and number of houses; long history of site not being affected by flooding; loss of agricultural land would have limited impact.</p> <p>Agrees that other sites within the housing market area have a greater likelihood of being delivered within the plan period and adequate land is supported for housing elsewhere that will meet the housing land requirement.</p>		

Settlement Development Area/New Sites Not Previously Consulted On

Thomas Brown (04212) - Wants the settlement development area extended because: contradictory to local plan aim of drawing wide village boundaries; a group of established houses and site with planning permission for 13 homes are excluded; access road is to be upgraded as part of unimplemented planning permission and would allow for development of field opposite Tealach house. Wants inclusion of this field because: close proximity to village services; forms infill development; suitable for affordable housing and housing for an aging population and junction improvements are feasible.

Questions why development is supported to the north and west, in particular site KH5 because it is agricultural land and would result in more narrow roads.

KH2 East of Birch Brae Drive

Martin Snook (03947) - Wants the following additional requirements for site KH2: no construction access from Birch Brae Drive; mixed tenure housing provided in parallel and development must be conducted so as not to have a building site eyesore for very many years because: slow pace of past development has resulted in debris being left on the road; approved plans for mixed tenure 1.5 storey housing has subsequently changed to two storey flats and there are enough eyesores in the village, in particular Mansfield Park, Achnagairn and Black Isle View.

KH4 MacMillan's Yard

3A Partnership Ltd (01034) - Asserts requirements should be amended to not require all specified uses and exclude housing capacity because: this would improve viability particularly as site remediation is likely to be costly; allow flexibility; contribute to improving the amenity of the site and sustain developer interest. Notes Geo-Environmental Preliminary Assessment is in progress and may be submitted at a later date.

Martin Snook (03947) - Welcomes any development as site is currently an eyesore.

KH5 Groam Farm East

John Pepper (04145) - Supports principle of development if access is only taken from site KH3. Believes the access from Newton Park is constrained due to ownership as illustrated in supplied drawings [04145/KH5/1, Pages 1-2], whereby 1.7 meters of the area is under different ownership and the owner is not willing to sell or allow access through this land.

Robert Weir & Son, Ian Weir (04427, 00612) - Supports because: not constrained by ownership; landowner owns or is in control of both access points to the site (extent of ownership/control illustrated on accompanying drawing [04427/KH5/1]); landowner accepts requirements stated in Proposed Plan and supports inclusion of small scale retail and/or business use subject to community aspirations. Asserts access from KH3 could be used as a loop road or emergency access as shown on supplied concept masterplan [04427/KH5/2].

Modifications sought by those submitting representations:

General

Martin Snook (03947) - Delete “village would also benefit from a new community sports facility” from para 4.121.

New Sites Previously Consulted On

Lovat Highland Estates Ltd (04230) - Allocation of MIR site reference H2 for housing or mixed use.

James Macdonald (01707) - Allocation of a reduced area of MIR site reference H4.

Settlement Development Area/New Sites Not Previously Consulted On

Thomas Brown (04212) - Expansion of settlement development area boundaries to north and west; exclusion of site KH5.

KH2 East of Birch Brae Drive

Martin Snook (03947) - Wants the following additional requirements for site KH2: no construction access from Birch Brae Drive; mixed tenure housing provided in parallel and development must be conducted so as not to have a building site eyesore for very many years.

KH4 MacMillan’s Yard

3A Partnership Ltd (01034) - Requirement text amended to state: “housing and subject to site appraisal and viability, retail, community and/or business use” and exclusion of housing capacity figure.

KH5 Groam Farm East

John Pepper (04145) - Single access through site KH3.

Robert Weir & Son, Ian Weir (04427, 00612) - Supports allocation.

Summary of responses (including reasons) by planning authority:

General

Martin Snook (03947) - Kirkhill Community Centre was refurbished and extended in 2012, it provides a variety of facilities including a hall that can be used for fitness classes, full size grass football pitch and training area, a floodlit multi use games areas and changing rooms and shower facilities. The Council is not aware of patronage figures for the facility. Given Kirkhill already has the provision of a sports facility the Council would support the text in the second sentence of paragraph 4.121 being amended to read: ‘The village would benefit from increased provision of community sports facilities’ should the Reporters wish to recommend it.

New Sites Previously Consulted On

Lovat Highland Estates Ltd (04230) - MIR site reference H2 is a large field that is currently in agricultural use. It lies adjacent to the western Kirkhill settlement boundary. It was non-preferred in the MIR for several reasons, primarily because the site is not required to meet the housing land requirement in the Inverness Housing Market Area and there are several other preferable sites within Kirkhill that are to be allocated to meet the housing land requirement. Furthermore the site is comparatively distant from village facilities; it is crossed by overhead lines and pylons and would result in the loss of the currently open village outlook.

In response to the objection to the non-inclusion of this site the following comments are made. It is considered the existing new housing estate at Mansfield Park constitutes a logical termination of the village at present. Site H2 may offer longer term development potential, this can be reviewed during preparation of the next local development plan for the area. It is appreciated that the site may be unconstrained some respects, for example in terms of access, servicing and allowance for a set back from the overhead line and that it is capable of being master planned. It is not considered the site would allow balanced, concentric expansion of the village; rather it is felt that it would contribute to the creation of a linear settlement rather than allowing for consolidation. Therefore, on this basis whilst the site may be relatively unconstrained, at this time there is no justification for the allocation of the site in terms of the housing land requirement when other preferable sites are available within the village and the wider Inverness Housing Market Area.

In terms of alleged constraints on sites supported for development in Kirkhill it has been demonstrated to the satisfaction of the Council the principle of access can be satisfactorily achieved; no road safety concerns have been raised by Council Road's Officers, if this later becomes an issue for any of the sites it is expected that it could be mitigated by specifying a requirement for road safety measures in conditions associated with a planning application; all sites are understood to be in the ownership or control of parties who can be expected to develop it or release it for development; with regards viability no evidence has been provided to suggest why the supported sites may not be viable. With regards to site KH4 it is accepted that given the potential for contaminated land it may have viability issues, however given its location close to the centre of the settlement and that it is a brownfield site its development is supported before a greenfield site in a comparatively less central location.

James Macdonald (01707) - MIR site reference H4 lies within a north western area of Kirkhill on the north side of Wardlaw Road. The site was preferred in the MIR; however following more detailed consideration in response to objections raised during the MIR consultation, it was excluded from Proposed Plan. Key reasons it was excluded from the Proposed Plan are: constrained access (access was proposed from an existing hammer head on Mansfield Park, however this would involve the crossing of a burn; loss of attractive mature trees and loss of portions of private garden ground of two residential properties - no information was provided to demonstrate these issues could be overcome); the site comprises prime agricultural land and it is understood to form part of a croft.

The representation indicates that the landowner is willing to reduce the development area and the number of houses to allow access to be taken from Wardlaw Road. However the Council's Road Officer's have confirmed that access from Wardlaw Road would be unlikely to be supported due to its narrow width and limited opportunities for upgrading.

In terms of potential access from Mansfield Park it is accepted that the any loss and trees and crossing of the burn are likely to be able mitigated. However no evidence has been provided to demonstrate land ownership boundaries or that the landowners of the private properties would be willing to sell land required to form a new access. Without such evidence there is no certainty that a satisfactory access to the site could be provided.

Other matters raised in the representation are noted, in particular it is agreed that the site lies close to village amenities and forms a logical expansion site to the village. However due to the aforementioned access constraints the site cannot be supported. Furthermore adequate effective housing sites are provided elsewhere in the settlement and the wider Inverness Housing Market Area that meet the housing land requirement.

Accordingly, the Council believes the site should continue to be excluded from the Plan.

Settlement Development Area/New Sites Not Previously Consulted On

Thomas Brown (04212) - The definition provided in the glossary Proposed Plan of a settlement development area reads 'Reflects built up area and allocated expansion areas for mapped settlements [CD1, Glossary, Page 165]. These areas are preferred areas for most types of development subject to consistency with Highland-wide Local Development Plan (HwLDP) Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. It is therefore not an aim of the Plan to draw wide village boundaries.

Several farm buildings and residential properties associated with Fingask Farm lie to the north of the village. Planning permission was granted (ref: 05/01036/OUTIN) in 2006 for the formation of residential units and commercial unit utilising the existing steading group. A reserved matters application (ref: 07/01180/REMIN) for the conversion of the steading to 13 units was permitted in December 2013 [THC KH General/1, Pages 1-3]. This application site was identified as site reference B2 in the MIR [CD5, Site B2 Kirkhill, Pages 30-31]. A small housing adjacent to this site was also identified in the MIR and shown as site reference H9 [CD5, Site H9 Kirkhill, Pages 30-31]. The settlement development area in the MIR included these sites and a field to the south of the farm.

In preparing the Proposed Plan it was considered that because Fingask Farm is physically detached from Kirkhill it should not be contained within the settlement development area. The inclusion of Fingask Farm also allowed for the field to the south of the farm to lie within the settlement development area as 'white land' which could set a precedent for ad hoc development of the village. The housing in the countryside (hinterland areas) policy of the HwLDP [CD1, Policy 35, Pages 86-87] supports the conversion or reuse of traditional buildings and there is a live planning permission for the conversion of the steading buildings. Therefore the non-inclusion of the MIR sites is therefore unlikely to affect the development potential at Fingask Farm.

With regards to the inclusion of the field to the south of Fingask Farm for housing whilst it may have some planning merit it has been lodged too late in this Plan's process to be considered as a potential housing allocation. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times to request the specific allocation of that piece of land. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to

lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for additional housing land. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time.

Section 4.120 of the Proposed Plan explains that the country lane nature of many internal roads in Kirkhill limit the availability of development sites [CD6, Para 4.120, Page 118]. Housing expansion is directed to the north and east where access improvements are feasible. Furthermore sites KH1 and KH2 [CD6, Inchmore Sites KH1 and KH2, Pages 118-119] a history of planning permissions; therefore the principle of housing on these sites has been established. KH4 is a brownfield site that is supported for a mix of uses. Site KH5 [CD6, Site KH5, Pages 118-119] represents the expansion of a housing site that is currently under construction; access to this site is proposed to be taken from site KH3 and from the Newton Park to the south. Both these accesses are of a suitable width and as such will not result in more narrow roads. Both sites KH5 and the proposed site to the south of Fingask Farm are prime agricultural land.

Accordingly, the Council believes the settlement development area should not be modified and the field to the south of Fingask Farm should continue to be excluded from the Plan.

KH2 East of Birch Brae Drive

Martin Snook (03947) - The additional requirements requested are detailed matters that are more appropriate to be considered at the development management stage.

KH4 MacMillan's Yard

3A Partnership Ltd, Martin Snook (01034, 03947) - The site is known locally as MacMillan's Yard and it is currently occupied by a number of storage containers and derelict buildings. The uses specified for this site in the Proposed Plan are 11 homes, retail, community and business. The requirements text makes clear that provision of small scale retail and/or business use should be provided on the site in addition to housing. The site was allocated for solely business use in the MIR [CD5, Site B1 Kirkhill, Pages 30-31], however following consideration of issues raised in representations to the MIR on this site [THC, KH 4/1] it was considered that it would be more appropriate to allocate the site for mixed uses including housing, business, retail and community. Key reasons for this were to improve the viability and marketability of the site (there are understood to be land contamination issues) and provide a catalyst to the improvement of the appearance of the eastern entrance to Kirkhill.

In terms of amending the requirements to not require all specified uses, it is considered that the requirements already make it clear that not all uses need to be provided by specifying 'provision of small scale retail and/or business use'. This statement is to ensure that some form of commercial use is provided on the site in addition to housing. Whilst it is appreciated that not stipulating a commercial use must be provided on the site may increase its viability, given that a compromise has already made in comparison to the MIR; the limited allocation of alternative sites for employment uses in the remainder of the settlement; the sites relatively central location makes it suitable for a potential commercial use and sufficient flexibility is already provided in terms of land use options it is considered that the allocation should not be modified.

With regards not specifying a housing capacity, this would be inconsistent with the approach taken for all other sites in the Proposed Plan. It is important that a capacity is provided for each site where housing is supported to ensure that sufficient land is allocated to meet the housing land requirement. Furthermore, section 2.12 of the Proposed Plan [CD6, Para 2.12, Page 15] explains that a different capacity than that specified in the may be acceptable subject to detailed design that demonstrates efficient use of land a satisfactory site layout. Accordingly the Council believes the allocation should be retained without modification.

KH5 Groam Farm East

John Pepper, Robert Weir & Son, Ian Weir (04145, 04427, 00612) - A requirement of KH5 is to provide a loop road connecting to Newton Park. This requirement is to prevent increased traffic movements at the already congested St Mary's Road/B9164 and Wardlaw Road junction in centre of the settlement and to ensure a permeable development is provided.

The original proposed site layout drawing provided by the applicant showed an access connecting to Newton Park. However the owner of number 71 Newton Park objected to this access arrangement on the basis that part of the land where the new access was proposed was under his ownership. The landowner of site KH5 subsequently confirmed that he was not in control of a part of the land where access was proposed. The land owners agent then provided drawings that illustrate an alternative design of access to the site from Newton Park [THC KH5/1; THC KH5/2] on land that is wholly within the control of the applicant (proof of title was provided). The Council's Roads Officer assessed these drawings and was satisfied that in principle an acceptable road layout could be provided at the tie-in area between the existing and proposed developments [THC KH5/3]. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. Martin Snook makes the point that the village already has a community sports facility. The council confirms that this includes a multi-use hall, full grass football pitch and training area, a floodlit multi-use outdoor games area, changing rooms and shower facilities. It is difficult to see what further community sports facility could be added and the council have provided no details and have not elaborated on whether this is a programmed facility or an expected gain from a planning obligation. The council suggests an amendment to remove specific reference to a new community sports facility to one referring simply to new community sports facilities. I am willing to recommend this amendment.

2. The plan has a generous allocation of land particularly for housing. Additional sites outwith the development envelope of the village are therefore not required at this time to meet the land supply requirements for the plan period. Whilst former sites H2 and H4 have some merit there is no over-riding reason for preferment of these sites over those currently allocated in the plan. I note in particular the constraints to development outlined by the council with respect to both of these sites. There being no immediate requirement for additional allocated housing land I decline to recommend modification.

3. I note the extent of the existing planning permissions at Fingask Farm and the need to contain that development within the complex of farm buildings without over extending the boundary of the settlement development area.

4. Sites KH1 and KH2 are both sites where the principle of housing development has been established. Site KH4 is brownfield land and KH5 is a logical extension of site KH3 already under construction. Whilst the council affords some merit to the potential for development on the field south of Fingask Farm that does not form one of the current development plan proposals. There is already an adequate supply of allocated housing land and I see no merit in adding to it the site in question. The constraints to further development arising from the limited local road network is addressed in paragraph 121.

KH2 East of Birch Brae Drive

5. I agree with the council that the modifications suggested by Martin Snook are more appropriately dealt with at the development control stage.

KH4 MacMillan's Yard

6. I note the council's reasons for the proposed use mix and the need to encourage remediation of the site. The alteration of the site area and site allocation for homes, retail, community and business, as amended in the pre-examination modification, more correctly reflects their aspirations for the use of the site.

KH5 Groam Farm East

7. I note and have no reason to doubt the council's assertion that a suitable road access is possible sufficient to enable this land allocation to be a realistic development opportunity.

Reporter's recommendations:

It is recommended that the opening of the second sentence of paragraph 4.121 be amended to read: 'The village would benefit from increased provision of community sports facilities and ...'

Issue 37	Tomatin	
Development plan reference:	(Paras. 4.122-4.123, Pages 120-123)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Strathdearn Community Council (00908) Neacreath Ltd (01843) Transport Scotland via Scottish Government (03642) Sandra Day (04010)	David Bonniface (04211) C Glynne-Percy (04236) Woodland Trust (04364) Fiona Glynne-Percy (04462) James Robertson (04491) Dennis Simpson (04500)	
Provision of the development plan to which the issue relates:	Tomatin	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Sandra Day (04010) - Objects to mismatch between number of new houses proposed and inadequate supporting amenities and infrastructure because; this will have an adverse impact on the quality of life in a small village; present proposed shop and public house development is too small in scale even for the present population; of a great need for recreational areas to be preserved and improved to mitigate for woodland clearance for housing; of urbanisation and its attendant problems; of the adverse impacts of increased traffic and extra commuting to Inverness which will require improved public transport, and; of loss of quiet, unique village character and value.</p> <p>Strathdearn Community Council (00908) - Seeks additional/more explicit developer requirements because: possible unknown wildlife value; A9 dualling proposal and the new Tomatin junction may impact upon the effectiveness of allocations TM11 and possibly TM 10, and; the community have invested huge time and effort in consulting and preparing community development plans and developers should be required to reflect this local knowledge and community needs in line with the Government's community planning and empowerment agenda.</p> <p>David Bonniface (04211) - Objects because the Plan does not take proper account of the potential adverse impact of dualling of the A9, particularly if improving access to Tomatin involves over or underpasses which would take up land (potentially TM10, TM11, TM12) and have a strong visual impact.</p> <p>C Glynne-Percy (04236) - Supports Plan but seeks additional Plan content because: a rail halt and phase 2 of the sewerage improvement is vital to encouraging economic growth; good layout and design is important to a tourist village, and; housing densities should be set at a level appropriate to market conditions, site constraints and infrastructure costs. Comments that all Tomatin Estates' sites are available, free of major constraints and could</p>		

deliver active travel and habitat/woodland management benefits.

Scottish Water (00396) - Suggested change would clarify that the engagement is important on an ongoing basis and not as a result of a current capacity issue. Seeks amended sewerage reference to clarify the responsibilities for network mitigation to ensure existing network services are protected. In most development scenarios it would be incumbent upon the developer to mitigate any issues resulting from their development being added to the existing network. This is a priority required by Scottish Water to protect existing customers.

New sites Previously Consulted On

Neacreath Ltd (01843) - Seeks reintroduction of Main Issues Report site option H3 site because: it is brownfield and a former commercial conifer plantation; is close to the village centre; it is already accessible from a forestry road; it could deliver private and affordable housing; it can served by an improved adoptable access road; community recreational access to the woods will be maintained; there is an agreement to acquire the land to the front of the property "Tannay" for the purpose of realigning the junction of Old Mill Road and the forestry road (detailed drawings supplied); it will have a high layout and design standard; the current proposal (supplied) is reduced in scale from previous proposals; the proposal complies with development plan policies, and; it will provide more housing choice in Tomatin.

TM2 Land at Hazelbank

Woodland Trust (04364) - Objects because: the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; the individual and cumulative impact of woodland removal; the inability to mitigate the impact of its removal; development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of non-native plants and therefore cumulative impacts are of great concern.

TM3 Land north west of Old Post Office

Fiona Glynne-Percy (04462) - Objects because: site is a well known frost pocket; poor surface water drainage; poor ground conditions; very difficult to form junction with village spine road due to difference in levels; of adverse visual impact on an attractive tourism dependent village; better sites elsewhere (unspecified), and; high development costs plagued school site and should be a lesson.

TM4 Land north of Station Cottages

Woodland Trust (04364) - Objects because: the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; the individual and cumulative impact of woodland removal; the inability to mitigate the impact of its removal; development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of

non-native plants and therefore cumulative impacts are of great concern.
 Fiona Glynne-Percy (04462) - Seeks major reduction in allocation because: of potential adverse impact upon setting of "Sandside Cottage" which is one of the few cottages in Tomatin that has architectural quality and should really be "listed"; of potential adverse impact when viewed from village spine road which is a key tourist route; a new village centre would be required for this scale of expansion and none is allocated for; site is subject to forestry regulations, and; previous planning applications have been rejected in this area.

TM5 East of Distillery

Woodland Trust (04364) - Objects because: the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; the individual and cumulative impact of woodland removal; the inability to mitigate the impact of its removal; development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of non-native plants and therefore cumulative impacts are of great concern.

James Robertson (04491) - Objects because: woodland felling and stacking has already occurred and therefore there is an inadequate landscape framework for new development; further forestry operations (details supplied of existing operations) will cause disturbance to local residents and road obstructions; risk to pedestrian safety on station road including schoolchildren; adverse impact on station road as public right of way; of poor topography of site, and; felling licence didn't take account of development plan (details supplied).

TM6 Former Inn site

Fiona Glynne-Percy (04462) - Seeks amended allocation because: the village of Tomatin desperately needs a "heart" given the closure of former commercial facilities; the "temporary shop" is an eyesore; compulsory purchase should be threatened to encourage proper reinstatement of a shop, and; the site is unsuitable and too small for all the development proposed.

TM8 Land north west of Porters Lodge

Fiona Glynne-Percy (04462) - Objects because: inappropriate site for sports pitches as too noisy directly by A9; too far from school; of adverse visual impact affecting the village and tourism.

TM9 Land at former railway station

Transport Scotland via Scottish Government (03642) - Seeks developer requirement amendment because: proposal not justified by an appropriate (STAG) transport appraisal which identifies a railway station as a preferred option and where a positive business case is produced; Transport Scotland will not support proposals lacking such a justification because better (cheaper, more technically feasible and/or more effective) transport solutions may be available, and; the amended wording offers clarification of the aspirational status of the proposal.

James Robertson (04491) - Welcomes rail halt proposal but insists the Council's improvement of station road should be done in the short term because of the additional damage caused by the recent timber operations; the uncertainty over ownership and maintenance responsibility, and; the risk of public sector liability for accidents and damage. Provides maps to illustrate road condition and capacity issue [04491/TM9/1-3, All].

Dennis Simpson (04500) - Supports requirement to upgrade station road to adoptive standards because: poor condition; it is used by public service vehicles such as snow ploughs and gritters; properties along it pay their council tax; mail arrives late, and; refuse collections are often cancelled.

TM13 Tomatin Distillery

James Robertson (04491) - Seeks changes because: existing wording too flexible and open to interpretation and will therefore leave door open for a road haulage depot use which was subject to a previous proposal; any further increase in heavy goods vehicles on this part of the old A9 will be in direct contradiction of government policy to reduce the impact of heavy road use through Scotland; any improved facilities for road haulage will undermine the relative attractiveness of investing in local rail connections for rail haulage and passengers; the Plan safeguards the potential rail halt site; village junction with A9 has difficult topography and poor accident record; of adverse impact of a road haulage facility proposal on a key tourist route and gateway; of adverse impact on safety and attractiveness of the National Cycle A9 Millennium Route; adverse impact on pedestrian safety; village spine road has bridge, flooding and vegetation maintenance issues.

Dennis Simpson (04500) - Seeks amendments because current wording opens the door to road haulage facility as previously proposed and rejected.

Modifications sought by those submitting representations:

General

David Bonniface (04211) - A general developer requirement that the A9 dualling proposal and its reconfiguration of the Tomatin junction should not impact adversely, land north of the distillery along the "old" A9, particularly the residential developments at the North End known as Altdubh and Altdubhag.

Scottish Water (00396) - Sewerage reference should be amended to "....., prompt investment in the waste water network delivered as a result of new development..... Request additional wording within this section to insert after the words 'Assynt Treatment Works/: "across the planning period and beyond"

Sandra Day (04010) - Reduced density of housing. Increased amenity areas. More infrastructure improvements.

Neacreath Ltd (01843) - Seeks reintroduction of Main Issues Report site option H3.

Strathdearn Community Council (00908) - Additional/more explicit developer requirements: 'wildlife surveys – including reptile, red squirrel and bats, where appropriate'; land safeguard for A9 dualling and Tomatin junction improvement; additional

land for road junctions, and; developer masterplan to include detailed community consultation and duty to integrate with published community development plans.

C Glynne-Percy (04236) - Additional Plan text: more explicit Council support for rail halt; firmer developer requirements on encouraging a high standard of layout and design; further emphasis that the stated capacities (using) average densities are subject to the masterplanning process and the viability of funding associated infrastructure such as sewerage improvements, and; more explicit Council action and lobbying of Scottish Water to activate the sewerage improvement.

TM2 Land at Hazelbank

Woodland Trust (04364) - Deletion of allocation.

TM3 Land north west of Old Post Office

Fiona Glynne-Percy (04462) - Deletion of allocation.

TM4 Land north of Station Cottages

Woodland Trust (04364) - Deletion of allocation.

Fiona Glynne-Percy (04462) - 70% reduction in site boundary and capacity (assumed). Retained portion closest to station cottages and accessed from station road.

TM5 East of Distillery

James Robertson (04491) - Deletion of allocation.

Woodland Trust (04364) - Deletion of allocation but improved recreational access to woodland.

TM6 Former Inn site

Fiona Glynne-Percy (04462) - Site should be for a single use either shop or housing (assumed that respondent's preference is a shop) but with a firmer developer requirement for adequate parking and improved road access.

TM8 Land north west of Porters Lodge

Fiona Glynne-Percy (04462) - Deletion of allocation.

TM9 Land at former railway station

Dennis Simpson (04500) - Plan commitment to earlier upgrade of station road (assumed).

Transport Scotland via Scottish Government (03642) - After the sentence... "Land safeguarded to leave open future possibility of rail halt." add the text "An appropriate transport appraisal in accordance with STAG is required. Transport Scotland has no commitment towards funding the delivery of a station at this location."

James Robertson (04491) - Amended developer requirement so that Highland Council commits to improve station road via temporary repairs and/or compulsory purchase of the road to bring road to adoptive standards.

TM13 Tomatin Distillery

James Robertson (04491) - Replace acceptable uses/developer requirements with “additional planting and improvements of the bonded warehouses and/or tourism related uses.”

Dennis Simpson (04500) - Change developer requirements to: additional planting and improvements of the boarded warehouses and or tourism related uses.

Summary of responses (including reasons) by planning authority:

General

- The Plan’s strategy is to recognise the growth potential of the Strathdearn area and in particular its centre, Tomatin village. The impending dualling of the A9 from Perth to Inverness, the possibility of a rail connection, the restricted development land availability within the Cairngorms National Park, the need to control sporadic development in the surrounding countryside, and the previous depopulation and declining facilities of this area all suggest that Tomatin should be identified for expansion. Although the village has benefited from a new school and sports facility, it has lost a public house, restaurant and petrol filling station. Arresting and reversing this decline will require public and private investment. A “House of Bruar” type facility and a new shop/inn have obtained planning permissions but implementation of these and housing schemes is held back by a mixture of inadequate wastewater treatment capacity, a lack of local catchment demand and a more restrictive approach to bank lending. Given this context, the Plan allocates an apparent overprovision of development land. These sites will not all be developed within the current Plan period but are zoned to given certainty to developers to risk investment in expensive up front sewer provision. Scottish Water will not commit to the “Phase 2” waste water treatment plant (serving that part of the village from the railway viaduct to the A9 junction) unless there is firm developer interest in developing that part of the village. Scottish Water’s investment priorities are driven in part by predictions of the future income streams it will receive from the sewerage component of future householder council tax payments. More development will create a local, critical mass, catchment demand that will retain existing and encourage new facilities. Accordingly, fears about urbanisation and loss of rural character are overstated. Tomatin is the largest village between Inverness and Aviemore serves a wide rural catchment, has excellent and improving transport connections and has a significant local employer in terms of the distillery. The benefits of appropriate expansion would outweigh the negatives.
- Cross settlement species survey requirements are already required under para. 4.123 and a specific requirement for all sites would not be appropriate given the lack of knowledge of which species may or may not be present on each site. Although the Tomatin to Moy section of the A9 dualling has been accelerated in the Scottish Government’s capital programme it is still not known which land areas would need to be safeguarded at Tomatin. To blight potential development land without such knowledge would make the Council and/or Transport Scotland subject to compensation claims. Moreover it is not known whether and how all new A9 junctions

will be fully grade separated so it is difficult to assess the footprint of any upgraded junction and therefore its potential adverse impact. These matters will be assessed during the road's planning application, road order and compulsory purchase order processes. The Plan's allocations reflect, to a large degree, the community development plan produced as a response to the Council's Main Issues Report (MIR). It is not clear to the Council where there is conflict between Council and community organisation aspirations.

- Housing densities have been set on average at a gross density of 10 dwellings per hectare which is low in urban terms but typical for many Highland villages and in keeping with Tomatin's existing settlement pattern. The allocations are intended to join up the cluster of development at the A9 junction with the core of the village following and funding the only practicable sewer line between the railway viaduct and a suitable discharge point to the Findhorn River. The local Estate's support and confirmation of land availability is welcomed and noted.
- Scottish Water's reluctance to recognise that the social and economic growth of the village is being inhibited by a lack of commitment by the authority to the Phase 2 sewerage scheme is unhelpful and highlights its commercial priorities. There is very limited capacity in the Phase 1 treatment plant, much of the village is served by septic tank/soakaway solutions and SEPA oppose further private treatment facilities.
- Accordingly, the Council believes this Plan content should be retained without modification.

New Sites Previously Consulted On (MIR H3)

This site was rejected at Proposed Plan stage following a previous application being refused by the Inverness, Nairn, Badenoch and Strathspey Planning Applications and Review Committee on 14 April 2009 because the proposed development was inconsistent with the development pattern, would have an adverse impact on amenity, was outwith the settlement boundary, would have a potential negative impact on trees, and the access was too restricted. The Council believes that the roads restriction issue has not been addressed and therefore access of a suitable standard cannot be formed. Moreover the initial application attracted a significant adverse reaction in the local community. The site is not brownfield, forms part of a commercial plantation, may set a precedent for further incursions into the plantation which provides a locally significant recreational resource, does not offer the prospects of compensatory planting, and does not accord either with the adopted local plan or with this Plan. Its only potential benefits are a connection to the existing public sewerage system and the unconfirmed offer of an element of affordable housing. Other, better allocated sites are available. Accordingly, the Council believes this Plan content should be retained without modification.

TM2 Land at Hazelbank

The site benefits from an adopted local plan allocation and a planning permission for four houses. The woodland cover is a coniferous plantation. Accordingly, the Council believes the allocation should be retained without modification.

TM3 Land north west of Old Post Office

See Council's strategy reasoning in General section above. Tomatin's elevation makes the whole settlement subject to harsher winter conditions than those experienced elsewhere in the developed part of the Plan area. This site is no more affected by frost, poor ground conditions and winter shading than many other existing houses in the village. That said,

the site's large size and low gross density will allow considerable site layout flexibility so that areas of poor ground conditions, challenging microclimate and visual prominence to the main village spine road can be avoided in terms of the detailed siting of houses. Accordingly, the Council believes the allocation should be retained without modification.

TM4 Land north of Station Cottages

See Council's strategy reasoning in General section above. The Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but are presently commercial conifer plantations or have no or limited tree cover. Compensatory native broadleaf planting would be appropriate and would, in the Council's opinion, demonstrate net benefit in terms of creation of habitat with higher nature conservation value. Sandside Cottage is not listed but the allocation is large enough and its gross density set low enough, to set development back from it so any impact on its setting is minimised. In the same way, any adverse visual impact on tourist route views can be mitigated by careful siting and design. The Council has no record of any planning application being rejected on this site in at least the last 14 years. Allocations TM 6, 7 and 11 are available for commercial and community uses should the demand materialise. Accordingly, the Council believes the allocation should be retained without modification.

TM5 East of Distillery

See Council's strategy reasoning in General section above. The Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but are presently commercial conifer plantations or have no or limited tree cover. Compensatory native broadleaf planting would be appropriate and would, in the Council's opinion, demonstrate net benefit in terms of creation of habitat with higher nature conservation value. The Plan does not promote nor can it control forestry operations in this area. It would be possible to exercise a degree of control via planning conditions relating to construction activity and woodland management on any permission granted within the allocation. Accordingly, the Council believes the allocation should be retained without modification.

TM6 Former Inn site

See Council's strategy reasoning in General section above. The site already benefits from an extant planning permission which if correctly implemented will create a beneficial mixed use development in the heart of the village. The Plan text limits the housing capacity to guard against an inappropriate change in land use or overdevelopment. Accordingly, the Council believes the allocation should be retained without modification.

TM8 Land north west of Porters Lodge

The site was promoted by the local community and has been accepted in principle by the landowner because it is one of the few flatter, reasonably well drained sites in the village. Its proximity to the A9 makes it unsuitable for other forms of development in terms of visual impact and noise pollution. The site is large enough to allow safety run off areas to the adjoining roads. There are no other suitable new sites within walking distance of the primary school, which has the alternative covered sports pitch at the village hall. Accordingly, the Council believes the allocation should be retained without modification.

TM9 Land at former railway station

See Council's strategy reasoning in General section above. The Council does not currently have the resources to fund the upgrading and adoption of Station Road nor does it have the lead responsibility and funding to reintroduce a rail halt at this location. However, both of these are desirable objectives for the reasons stated in the General section above. Given the reluctance of Transport Scotland to endorse the rail halt proposal and the absence of other public funding to deliver it, the Plan's text and role should be limited to one of safeguarding the possibility by protecting the land required from other competing uses. Transport Scotland's suggested qualification wording would be accepted by the Council should the Reporters feel that such an amendment is necessary.

TM13 Tomatin Distillery

The Council believes the Plan wording is sufficiently clear in restricting future development to "distillery or related operations." A general road haulage depot or facility would not be compatible with this Plan wording. The distillery is looking to expand its operations and is unlikely to wish to make scarce, serviced land available for a use not directly compatible with its own operations. However, if the Reporters feel that wording to specifically exclude a road haulage facility is necessary then the Council would accept such a recommendation.

Reporter's conclusions:General

1. The strategy of the plan is to recognise the growth potential of Strathtearn, particularly Tomatin village at its centre. This is to take advantage of the improved accessibility resulting from the proposed dualing of the A9 and the possibility of a new rail halt to serve the area. The rail halt is to some extent speculative as Transport Scotland have made clear that it forms no part of their current programme and they do not intend to finance it. Whilst that does not rule out its inclusion in the LDP as a longer term aspiration for improved sustainable transport it does reduce its significance in the short to medium term as a driver of development. The more explicit development of this aspect of the strategy as suggested (04236) would at this stage be inappropriate. The A9 proposals are however more certain and would underpin the council's growth strategy.
2. On the basis of the council's response to representations the second aspect of the council's growth strategy appears to be to establish a critical mass of available development sites to encourage developer certainty over the necessary improvements to drainage and sewage treatment which would be required. Whilst the council accept that in the current economic climate there may be an overprovision of housing and industrial land I consider the strategy to consolidate growth in the village and to make available land which will in time restructure the village, overcoming the physical and transport barriers to its internal connectivity to be the right course of action. Housing densities will be relatively low and should be able to accommodate the proposed increases without undue damage to local wildlife or the rural character of the village. There is already provision in current legislation for the protection of existing wildlife. This would be applied when detailed proposals were considered.

3. Until such time as the preferred route options for the A9 dualing have been published it is not possible to accurately safeguard areas around the potential junctions. I accept that these matters will be addressed concurrently with a planning application and compulsory purchase proceedings for implementing the road improvement.

4. Whilst I note the position of Scottish Water I cannot see that the amendment suggested in their submission would significantly clarify the situation.

5. With respect to new sites previously consulted on, site MIR H3 has previously been rejected as a housing site. I note that it is outwith the development area of the village and is not a brownfield site. Taken together with an adverse local reaction to its development, this leads me to the conclusion that it should not be included in the plan.

TM2 Land at Hazelbank

6. The Woodland Trust seeks deletion of the site noting that the woodland is of high value for conservation and worthy of further study and is an important and finite habitat. I note that the woodland is a coniferous plantation rather than ancient woodland and that the site benefits from planning permission for four houses. In that context I consider that its retention as an allocated housing site is appropriate. Protection of wildlife and habitat is protected by current legislation and would be considered as part of any detailed planning permission.

TM3 Land north west of Old Post Office

7. The elevation of Tomatin makes for harsh winter conditions across the whole village. I note the council's recognition that a low proposed housing density will offer scope for mitigation of some of the effects of climate through careful design. Accordingly I consider that warm and comfortable homes on the site are possible. Similarly the low density offers scope for a design solution which enables a safe junction with the village spine road and mitigation of any adverse visual impact of the development. In consequence the site should be retained in the plan.

TM4 Land north of Station Cottages

8. The Woodland Trust objects to the loss of ancient woodland and the reduction of woodland habitat. Viewing the tree species and the planting form of the site it appears to be a more recent conifer plantation rather than the ancient woodland suggested. Whilst this still offers a degree of natural woodland habitat this is not a threatened habitat in the wider area around and within the district and the Cairngorms National Park nearby. I note the council's support for compensatory native broadleaf planting which I agree could offer improved habitat creation.

9. With respect to the setting of Sandside Cottage and the impact on tourist views I agree with the council that the site is large enough to enable a setback of development to preserve the setting of the cottage and to preserve the visual aspect when viewed from the road. The detailed master planning envisaged in the site related text should enable sufficient safeguards to be in place to ensure that at detailed planning stage these matters are satisfactorily addressed.

TM5 East of Distillery

10. The Woodland Trust objects to the loss of woodland and habitat. Mr Robertson objects to the effects of forest operations on resident amenity and road safety, particularly the use of Station Road as a public right of way. Both seek deletion of the allocation. I agree with the council that the control of current forest operations are outwith the scope of the local development plan. The requirement for the developer to prepare a master plan for the site should enable outstanding issues to be addressed and ensure an appropriate amount of compensatory broadleaf planting which could provide greater benefit in terms of woodland habitat to that lost to commercial forest operations. In consequence I see no reason to alter the plan allocation.

TM6 Former Inn Site

11. The site already benefits from planning permission for a mixed development. The plan allocation is simply a reflection of this permission and limits the housing allocation to ensure the inclusion of retail, business or community uses. In consequence there is no reason to alter the plan.

TM8 Land North West of Porters Lodge

12. I note the site has been promoted by the community for sports pitches and associated uses as it is one of the few flat areas in the village which could accommodate such use. Whilst it may be noisy due to the nearby A9 it is in all other respects suited to the intended use. I therefore agree with the council that the plan should not be modified.

TM9 Land at former railway station

13. It is not unusual for the council's and community's aspirations for a railway station or halt to find expression in the local development plan and I support this as an expression of the council's wider strategy for the future development of the village. The council have to realistically, financially support such an aspiration or rely on negotiation with Transport Scotland and other appropriate agencies to bring it to reality. The council are clear that they do not have the financial resources at this time to fund either the rail halt or the necessary improvements to Station Road. Transport Scotland are equally clear that they cannot support proposals for the rail halt unless an appropriate (STAG) transport appraisal has identified the rail halt as a preferred option and where a positive business case has been produced. I note the council accept that it would be prudent to amend the plan to make this clear by adopting the suggested wording by Transport Scotland. I see no reason to disagree with this conclusion and therefore recommend it as an amendment below.

TM13 Tomatin Distillery

14. I consider that the wording in the plan makes it sufficiently clear that the additional industrial land is being allocated at this location specifically for the expansion of the distillery. This should be sufficient to safeguard the land for that expansion whilst the distillery still seek to utilise it. Were the distillery to change its plans there is always the possibility that other operators of road haulage businesses could apply for planning permission. In that event the council would have to consider it against the plan's allocation for industry. In either event I see no reason for modification of the plan.

Reporter's recommendations:

It is recommended that the text "An appropriate transport appraisal in accordance with STAG is required. Transport Scotland has no commitment towards funding the delivery of a station at this location" be added at the end of the requirements for site TM9.

Issue 38	Avoch	
Development plan reference:	(Para 4.124, Page 123)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Doreen Hughes (00262) Michael Armitage (00588) Naomi Lloyd (01331) Church of Scotland General Trustees & D&H Sutherland (03159) Peter smith (03945)		Shirley Barr (04205) Craig Fraser (04233) Seamus Mann (04424) Broadland Properties Ltd (BPL) (04437) Hamish Boag (04496)
Provision of the development plan to which the issue relates:	Avoch	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Introductory text</i></p> <p>Michael Armitage (00588) - Supports the approach to development site selection in Avoch as explained in paragraph 4.125.</p> <p><i>New sites Previously Consulted on</i></p> <p>H6 from the Main Issues Report (MIR)</p> <p>Doreen Hughes (00262) - Supports the allocation of housing land at Braehead for the following reasons: it is in the Ross and Cromarty East Local Plan (CD3, Avoch, Inset 9 and Pages 50-51); it is considered more attractive than allocations on the west side of Avoch, it would offer a good outlook for residents, and it allows opportunity for self build.</p> <p>John Handley Associates (03159) - Seeks inclusion of Ross and Cromarty East (RACE) Local Plan allocation at Braehead for the following reasons: it is allocated in the existing Local Plan but phasing restricted its development until after 2012 and therefore it needs to be reaffirmed in this plan to allow a stable context and time to deliver the site and to ensure it does not prejudice the existing Local Plan strategy; full applications for planning permission were registered in May 2013 with expected determination in early 2014; the site offers a logical extension to Avoch, an attractive location and south facing aspect, good active travel links to the centre of the village, and visual impact is addressed in the current Local Plan through requirements covering planting and layout; the planning applications provide the necessary supporting documentation, provide for appropriate planting, and establish an appropriate access which protects trees and limits house underbuilding, and servicing does not present any issues; and the site is considered to be unconstrained and effective as per the criteria set out in Planning Advice Note 2/2010</p>		

[THC AV General/1, Page 17, PAN 2/2010].

Craig Fraser (04233) - Councillor Fraser seeks the land at Braehead to be retained as community amenity land and not identified for residential use (in support of the Avoch and Killen Community Council's position).

Northern field of H8 from the MIR

Broadland Properties Ltd (04437) - The development interest objects to the non inclusion of land south of AV4 and AV5 as a housing allocation for the following reasons: there will be a shortfall of housing land allocations to accommodate 120 new homes which reflect surrounding densities and committee approvals on AV1 and AV2 (as allocation of AV3 would be more appropriate as 40 rather than 63 homes); the larger allocation would provide a balanced expansion based on community and recreational uses and will spread the cost of this scale of the community, recreational and infrastructure investment; this site would identify housing land beyond the plan period for the longer term; the masterplan can identify appropriate phasing; active travel can be promoted by links through AV2; the land is already partially screened by trees along north eastern boundary and further planting could soften the impact (including an element of advance planting); a sketch Development Framework plan is provided with total housing of up to 100 houses on 8.5 hectares of land [04437/AV, General/1, Development Framework Plan]; and if this site is included then the development interest will not pursue a housing allocation north of AV1.

H7 from MIR

Broadland Properties Ltd (04437) - The development interest considers the following reasons support extension of the AV1 site to north [CD5, Avoch Inset map site H7, Page 63]: the site is surrounded by woodland and well contained in the landscape, and the intention is to avoid tree loss and set buildings back the requisite distance from trees. However recognising that it is perceived as a more sensitive site by the community than extension south of AV4 and AV5, and that enclosure by trees could limit outlook and natural light, it is suggested that this site would not be pursued if more housing land is allocated at Muiralehouse Farm.

AV3 West of the old Manse

Broadland Properties Ltd (04437) - Development interest supports the allocation of AV3 but considers that 40 homes is a more suitable capacity when considering surrounding densities and the committee approvals for AV1 and AV2.

Naomi Lloyd (01331), Seamus Mann (04424) - Seeks removal of allocation due to loss of prime agricultural land with no formal approach made to the tenant farmer.

AV4 Muiralehouse Farm

Broadland Properties Ltd (04437) - Development interest supports this allocation.

Naomi Lloyd (01331), Seamus Mann (04424) - Seeks removal of allocation due to loss of prime agricultural land with no formal approach made to the tenant farmer.

AV5 Muiralehouse Farm

Naomi Lloyd (01331) - Seeks removal of allocation due to loss of prime agricultural land.
Seamus Mann (04424)

Seeks removal of allocation due to the following reasons: loss of prime agricultural land with no formal approach made to the tenant farmer (with the farm steadings here the principal centre for their operations on this and two neighbouring farms); impact on local road network and schools; because there is no need for additional business land, and because of its location at the entrance to the village.

Broadland Properties Ltd (04437) - Development interest supports this allocation.

AV7 South of Ormonde Terrace

Shirley Barr (04205), Peter Smith (03945), Hamish Boag (04496) - Seeks removal of allocation for one or more of the following reasons: amenity impacts on nearby residential properties; local road network issues; and impact on the environment and tourism; land should be allocated between Avoch and Munlochry instead.

Broadland Properties Ltd (04437) - Development interest supports the allocation and confirms its availability.

Modifications sought by those submitting representations:

General

Introductory text

Michael Armitage (00588) - Supports the approach to development site selection in Avoch as explained in paragraph 4.125.

New sites Previously Consulted on

H6 from the MIR

John Handley Associates (03159) - Seeks inclusion of existing Ross and Cromarty East Local Plan allocation at Braehead for 30 homes.

Doreen Hughes (00262) - Supports the allocation of housing land at Braehead

Craig Fraser (04233) - Councillor Craig Fraser seeks the land at Braehead to be retained as community amenity land.

Northern field of H8 from the MIR

Broadland Properties Ltd (04437) - Seeks allocation of 5.3 hectares of land south of AV4 and AV5 for medium to longer term housing with a capacity for 60 homes. Will stop pursuing allocation of H7 from the MIR if Plan includes additional land south of AV4 and AV5.

H7 from the MIR

Broadland Properties Ltd (04437) - Will not pursue this if more housing land is allocated at Muiralehouse Farm.

AV3 West of the old Manse

Broadland Properties Ltd (04437) - Support allocation but reduce capacity to 40 homes.

Naomi Lloyd (01331) - Remove allocation.

Seamus Mann (04424) - Remove allocation (assumed)

AV4 Muiralehouse Farm

Broadland Properties Ltd (04437) – Support

Naomi Lloyd (01331), Seamus Mann (04424) - Remove allocation

AV5 Muiralehouse Farm

Naomi Lloyd (01331), Seamus Mann (04424) - Remove allocation

Broadland Properties Ltd (04437) - Supports allocation

AV7 South of Ormonde Terrace

Shirley Barr (04205) - Seeks removal of AV7 (assumed)

Peter Smith (03945) - Seeks removal of AV7 (assumed) and allocation of land between Munloch and Avoch to replace the industrial site

Broadland Properties Ltd (04437) - Support allocation

Hamish Boag (04496) - Seeks requirement for local road network improvements (assumed).

Summary of responses (including reasons) by planning authority:

General

Michael Armitage (00588) - Introductory text

Support noted.

New sites Previously Consulted on

Doreen Hughes (00262), John Handley Associates (03159), Craig Fraser (04233), Broadland Properties Ltd (04437) - The scale of development supported in Avoch is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 123 new homes being identified for the

period 2011-31. The sites selected are considered to be the most suitable in the village based on a range of criteria. In this case the most significant criteria are visual impact and landscape setting, the impact on the character of the village, and the impact on the local road network.

H6 from the MIR (Doreen Hughes (00262), John Handley Associates (03159), Craig Fraser (04233) - This is a very sensitive site to develop in terms of visual impact on a prominent site and there are difficulties in achieving a suitable access because of potential for unacceptable impacts on the mature trees. There were objections to this site at the MIR stage including one from Avoch and Killen Community Council. For these reasons/sensitivities and also because the access/tree impact and potential ownership difficulties outlined below suggest that the effectiveness of the site is unclear this site is not recommended for allocation in the Plan.

The Braehead area forms a highly visible rural backdrop to Avoch and its development would have a significant impact on the setting and character of the village and its conservation area. The East Ross Settlement Landscape Capacity Study [THC AV General/2, Map and page 13, The East Ross Settlement Landscape Capacity Study] identifies this area within a character type Open Farmed Slopes which has “high visibility in views from the south-west.”

Planning permission on this site has been potentially securable from February 2012. This site currently has two planning applications for serviced plots to cover the different ownerships 13/01834/FUL and 13/01833/FUL [THC AV General/3, Site Plans of 13/01834/FUL and 13/01833/FUL] There is a window of opportunity for the applicant to try and address the existing Development Plan provisions and come forward with a proposal that meets these provisions. However the planning applications which were submitted for this site in May 2013 raised issues that have yet to be resolved to the satisfaction of the case officer handling the planning application. Some of these issues were raised in consultation responses by officers of the Council on policy, forestry, access, and flooding matters.

Amongst other issues the Policy comments referred to the landscape and visual information submitted and to the quality of the design brief. Therefore the policy response on these applications retained reservations about the ability of these planning applications to ensure that any detailed development proposals would be in accordance with HwLDP policies 28 Sustainable Design, and 29 Design Quality and Place-making [CD 1, Policies 28 and 29, Pages 77-79], and the Ross and Cromarty East Local Plan requirement “to prepare a Design Statement, agree an overall master plan or layout and, with the aid of sketch elevations and photographs/montages of house types, illustrate how the proposed development is expected to look when viewed from various locations around the village. The detailed layout and design of the development, particularly where visible above the Braehead, should strongly respect and reflect the existing street pattern, traditional spacing and house designs of historic parts of Avoch. [CD 3, Avoch, Pages 50-51]”

It should also be noted that with regard to assessment against HwLDP policies 51 Trees and Development [CD 1, Avoch, Page 51] the consultation response from the Highland Council Forestry officer retained a holding objection to the planning application in relation to tree impacts and that the Council are currently investigating a potential ownership issue relating to the structural planting areas. Also the response from the Council’s Flood team requires submission of a Drainage Impact Assessment that has not yet been provided. Furthermore the applicant is still working with the Council’s roads colleagues as the

access solution proposed has difficulty with gradients that need resolved. Indeed the planning applications show a different access route from that shown in the RACE Local Plan and some of the access road and indeed some of the plots above the housing allocation are outwith the allocation [THC AV AV3, Map extract of planning application boundaries overlaid with Ross and Cromarty East Local Plan Braehead site boundary].

The RACE Local Plan has detailed provisions relating to tree planting, and design/visual impacts, and surface water drainage which recognise the difficulties and sensitivity of development on this highly visible site [CD 3, Avoch, Pages 50-51]. If an applicant met all these requirements there would be also be significant restrictions on the design and massing of the housing here. However given the nature of the residual impacts and the merits of the other sites identified in Avoch it is considered that this site should no longer remain an allocation in the Plan. Also the deliverability and effectiveness of this site is uncertain given the issues mentioned in relation to ownership, access, planting, and tree impacts. Accordingly, the Council believes the allocation should continue to be excluded from the Plan.

Northern field of H8 from the MIR

Broadland Properties Ltd (04437) - The case for the inclusion of this site is that the additional housing land now sought will make the provision of community and recreation uses at the scale indicated feasible to a developer. However there were several respondents at the MIR stage including the Avoch and Killen Community Council who support the Council's non preference of this site for development, due to concerns about the scale of development in the village, visual impact, and impact on infrastructure provision.

The other sites in Avoch represent more suitable locations for development than this site, and the sites recommended for inclusion in the Plan provide sufficient opportunity. Furthermore it is considered that a density of 20 homes per hectare is suitable on AV3 and does not need to be reduced. Although AV4 is allocated the size of the open space contribution will be defined by the level of housing development proposed and it is considered inappropriate to identify additional housing opportunity just to secure increased open space contribution. It is considered that the appropriate type of community/open space provision should be further considered through the masterplan process, recognising that there is already playing field provision in the village. Accordingly, the Council believes this allocation should continue to be excluded from the Plan.

H7 from MIR

Broadland, Properties Ltd (04437) - This is a sensitive and difficult site to develop. There are trees/woodland setback issues and there is a need to minimise the landscape and visual impact. In terms of tree impact siting at least 20 metres from the woodland to the north and the avenue to the south would likely be required however this would increase the landscape and visual impact. If tree loss could be avoided then the compromise could be possible post development tree resentment. Whilst the trees could be secured by a Tree Preservation Order it is anticipated that ongoing pressure would remain as there would be substantial amenity impact for the houses. The Council's roads advice is that there are visibility issues and that its development would contribute to a pinch point in the local road network. Also the other sites allocated in Avoch represent more suitable locations (distance from services) for development than this site. However the Council

does not agree that additional housing land should be allocated at Muiralehouse Farm for reasons given above against H8 from the MIR. Accordingly, the Council believes the allocation should continue to be excluded from the Plan.

AV3 West of the old Manse and AV4 Muiralehouse Farm,

Broadland Properties Ltd (04437) - There are positives to the AV3 and AV4 suitability: particularly its proximity to the village centre and the primary school and its good public transport links. When looking at the overall assessment of potential development sites in Avoch there are factors which support their allocation over them (as the Braehead site, and the proposed site extension North of AV1 are assessed as less effective and less suitable for reasons explained elsewhere within this schedule 4). Therefore whilst development of these sites will result in loss of prime farm land AV3 and AV4 are a key part of the settlement strategy and therefore accords with Scottish Planning Policy. In their submission to the Call for Sites of the IMFLDP the land owner identified that this land is occupied by the current tenants on a Rent Free Licence and that vacant possession can be obtained at short notice [THC AV AV3/2, Call for Sites submission].

The scale of development is determined for Avoch based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 123 new homes being identified for the Avoch over the period 2011-31. The sites selected are considered to be the most suitable in the village based on a range of criteria which includes impact on the character of the village and its landscape setting, and on the local road network.

With regard to the density proposed 20 homes per hectare on AV3 this ensures effective use of the land and is a medium density when considering the existing patterns of development within Avoch. The lower densities proposed on AV1 and AV2 are attributed to the market housing demand at that time with both the planning applications submitted during 2008-9, and is also due to tree constraints affecting capacity on AV1. The recent trends from both the development industry responding to market conditions and from emerging planning policies has been to deliver effective use of land and sustainable communities and this has moved towards a slightly higher density of development. Accordingly, the Council believes these allocations should be retained without modification.

AV5 Muiralehouse Farm

Naomi Lloyd (01331), Seamus Mann (04424), Broadland Properties Ltd (04437) - There are positives to the AV5 lands suitability for allocation particularly its relative proximity to the village centre, and its good public transport links. It provides a substantial opportunity for employment generating uses and provides opportunity for reuse of the farm building for storage. In their submission to the Call for Sites of the Inner Moray Firth Local Development Plan (IMFLDP) the land owner committed that if this allocation is accepted then the tenants of this land would be offered replacement "in hand" land adjoining the farm [THC AV AV5, Call for Sites submission]. Therefore whilst development of this site would result in loss of prime farm land it is a key part of the settlement strategy and therefore accords with Scottish Planning Policy. Accordingly, the Council believes the allocation should be retained without modification.

AV7 South of Ormonde Terrace

Shirley Barr (04205), Peter Smith (03945), Hamish Boag (04496), Broadland Properties Ltd (04437) - The Council's roads advice supports its inclusion subject to the requirement for physical traffic calming, and any further road issues related to the detail of any proposal that comes forward will be addressed at the planning application stage. Amenity concerns are mitigated by Plan's requirements for tree planting and landscaping and again any further amenity issues related to the detailed of any proposal are covered by policy 28 Sustainable Design of the HwLDP making [CD 1, Policy 28, Pages 77-78], and will be addressed at the planning application stage. With regard to the suggestion that the Council should allocate land between Avoch and Munloch this is not as sustainable a location for development and there is no development interest. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:General

1. Representees are seeking the inclusion of former sites H6, H7 and H8 in the plan. The land allocation for housing was in response to the need identified in the Highland-wide Local Development Plan. As discussed under Issue 2, a sufficient land supply has been identified across the plan area, and shortfalls in the Mid Ross Housing Market Area are balanced by surpluses in other neighbouring housing market areas. Further allocations are therefore not necessary at this time.
2. Whilst the Braehead site (H6) was included in previous plans for the area it is the function of the Local Development Plan to review current allocations against the need for land in the future. I note that there are extant planning permissions for different parts of the site in different ownerships. These permissions have raised problems which are yet to be resolved. The council have identified overall difficulties with the visual impact of the housing on the site against the rural backdrop to Avoch, access, tree loss and potential ownership problems. I consider that with no clear indication of whether the site constraints can be overcome the plan should not be modified to accommodate the site.
3. Site H7 similarly suffers from serious difficulties with landscape and visual impact, tree loss and road safety implications. I consider that these problems make the site less attractive than others in the village. In consequence I consider the plan should not be modified.
4. Broadland Properties seek inclusion of former site H8 as an extension to AV4 and AV5 on the grounds that AV3 would be more suitable for a lower density which would reflect the planning permissions extant on AV1 and AV2. This would supply 40 instead of the plan projection of 63 homes. The subsequent shortfall could be made up by inclusion of H8. The representee recognises that this would in effect result in an oversupply of land but maintains that it would identify a longer term land supply. This larger supply of land and potential greater numbers of houses in the future would spread the cost of community, recreational and infrastructure investment.
5. There is no convincing evidence to doubt the council's assertion that AV3 can accommodate housing at 20 units/hectare and open space is sought relevant to the numbers of properties. There is therefore no convincing logic to the representee's case

other than the desire for a larger allocation overall to provide a longer term supply. In the context of the overall surplus of land supply across the overall plan area, that larger longer term supply is not needed. There is therefore no need for sites which are less attractive to the community or have difficulties with impact or infrastructure to be brought forward at this time. I do not therefore recommend a plan modification.

AV3 West of Old Manse, AV4 Muiralehouse Farm and AV5 Muiralehouse Farm

6. As noted above I accept the council's position that housing densities on AV1 and AV2 reflect the development constraints and market conditions when planning permission was given but that a density of 20/ha for AV3 is more in line with current practice of maximising use of land. There are no infrastructure or landscape reasons to accept a lower density.

7. I note that the development of these three sites will result in the loss of good agricultural land. This has to be weighed against the need for further land to supply the need for housing and the requirements of a buoyant local economy. These sites are integral to the council's strategy for the spatial development of the village. They have been identified by the landowner as available for development and are therefore available to meet the land supply needs of the plan. I appreciate that their development would have an impact on the viability of the farm units concerned but that is a matter for negotiation between the landowner and leaseholder/tenant. I note that the owner of AV5 has undertaken to provide alternative land to the tenant farmer in replacement for that lost to development.

AV7 South of Ormonde Terrace

8. All aspects of concern raised by representees relate to matters which can be addressed effectively at a planning application stage. I agree with the council that replacing AV7 with an allocation between Avoch and Munlochy would be a less sustainable option.

Reporter's recommendations:

No modifications.

Issue 39	Conon Bridge	
Development plan reference:	(Paras. 4.128-4.134, Pages 126-130)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>RM Morrison (00163) Scottish Natural Heritage (00204) Scottish Water (00396) Alasdair Cameron (00919) Conon Bridge Community Council (03080) Elizabeth Blackburn (03932) Pamela Miller (03942) Conor MacLeay (03943) Emma Garden (03962) Carole MacLeay (03963) David Rendell (03999) Michael Heath (04043) Catriona Meiklejohn (04044) Rachael Meiklejohn (04045) Kenneth Fraser (04056) Anne Ellinson (04063) Alister Matheson (04073) Irene Munro (04080) Chris Rendell (04082) James Attwood (04083) Kari Transdal (04094) Len MacLachlan (04097) Florence Wilkerson (04099) Allan Maciver (04100) Archie Leslie (04105) Janet & John Rigby (04127) Brian Frost (04135)</p>	<p>Patricia Kilgore (04136) Richard Green (04143) Siobhan Fraser (04163) Ian Fraser (04164) James Brian Parry (04174) George Nixon (04195) Will Campbell (04198) Gordon Carswell (04220) John Comloquoy (04221) & (04527) Lucy Gregson (04240) Peter Greig (04241) Sandra Rea (04345) Woodland Trust (04364) Ewan Macdonald (04420) Robert McWhirter (04452) Ferintosh Parish Church (04454) Michael J Burns (04466) Donald Campbell (04467) Moira Comloquoy (04469) Conon Bridge Amenities Association (04476) Conon Bridge Petition (04495) Alan & Christine Fraser (04502) John Sharkey (04509) J S McCulloch (04525) A McAllister (04528)</p>	
Provision of the development plan to which the issue relates:	Conon Bridge	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Siobhan Fraser (04163) - Seeks amended wording to clarify the location of the community facilities which will receive a contribution and ensure that contribution will benefit the community facilities in both parts of the community ie Maryburgh as well as Conon Bridge.</p> <p>Ian Fraser (04164) - Seeks amendments to clarify that Maryburgh and Conon Bridges should be treated equally because Maryburgh has provided community facilities</p>		

since the 1980s, long before the Leanaig Centre was built and the Maryburgh Amenities Company through the Futures Group hopes to extend these community facilities and provide complementary facilities to those being provided by the Leanaig Centre. The proposed community facilities at Maryburgh will be inclusive of the wider community including Maryburgh, Conon Bridge and Dingwall. Therefore any future residential development will need to make a contribution to all the community facilities within the area.

Scottish Natural Heritage (00204) - Allocation CB1 could have a likely significant effect in combination on Conon Islands SAC and/or Cromarty Firth SPA/Ramsar and this is reflected in the Draft HRA Record and in the requirements text for CB1.

Scottish Water (00396) - Seeks amendment to make clear that there is existing capacity and that a cumulative effect over time may require investment but does not present an issue currently.

New Sites Not Previously Consulted On

Alasdair Cameron (00919) - Seeks two new allocations [00919/CB General/1-2] because: it is a natural extension of adjoining Albyn Housing Society development; it is already damaged by contractors operations from that adjoining site; housing need; close active travel proximity to village centre and its facilities; no flood risk; already tree screened to A835 and this could be enhanced; limited agricultural value and severed from rest of unit by A835, and; close to foul sewer and road access available through Albyn development. P2 because: unmet local demand from industrial enterprises and no suitable sites closeby; neighbouring uses compatible as haulage parking lot and workshop, a tractor and goods vehicle dealership, and an electricity substation; access via the Old Leanaig Road will soon be improved as the Braes of Conon development progresses; well screened from the A 835 by a dense mix of trees but could be enhanced; all other services closeby; no flood risk; medium quality agricultural land but severed from rest of unit by A835, and source of employment within a reasonable distance of the village.

CB1 Schoolhouse Belt

Woodland Trust (04364) - Objects because: majority of site not currently wooded but entire site was ancient woodland and therefore has potential for rehabilitation, and; development will isolate existing woodland to north from rest of Conan Wood. Also, more generally, because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is more susceptible to threats such as colonisation by non-native species; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

CB2 Braes of Conon

David Rendell (03999) - Seeks additional developer requirement to improve safety issues at the junction of the B9163 and the A835 because of poor sightline visibility in terms of: traffic turning left towards Maryburgh is unsighted by vehicles turning right towards Tore; low winter sun makes sight of traffic coming down the hill from Tore difficult in the mornings between late October and early March; poor vergeside planting maintenance, and; traffic travelling at excessive speeds from the Maryburgh roundabout towards Tore. All this made worse by increased traffic created by the projected growth of Conon Bridge.

Ewan Macdonald (04420) - Seeks higher housing density and capacity because: 12.5 houses per hectare across the entire site is unreasonably low compared to other allocated and permitted sites in Ross-shire, and; the site is a natural extension of a higher density development adjacent at CB5 which already has permission for in excess of 200 homes plus 5 retail units, a football pitch and an attenuation pond at a net density of over 15 dwellings per hectare.

CB3 Land to South West of High Street

Conon Bridge Amenities Association (04476), Robert McWhirter (04452), Alister Matheson (04073), Richard Green (04143), Ferintosh Parish Church (04454), Peter Greig (04241), Donald Campbell (04467), Moira Comloquoy (04469), RM Morrison (00163), Sandra Rea (04345), Irene Munro (04080), Anne Ellinson (04063), Michael J Burns (04466), Lucy Gregson (04240), Catriona Meiklejohn (04044), Gordon Carswell (04220), Len MacLachlan (04097), Archie Leslie (04105), John Comloquoy (04221), Janet & John Rigby (04127), Chris Rendell (04082), Florence Wilkerson (04099), James Brian Parry (04174), Will Campbell (04198), Kari Transdal (04094), James Attwood (04083), Patricia Kilgore (04136), Brian Frost (04135), Siobhan Fraser (04163), Conor MacLeay (03943), Allan Maciver (04100), Kenneth Fraser (04056), Emma Garden (03962), John Comloquoy (04527), Moira Comloquoy (04469), Elizabeth Blackburn (03932), Alan & Christine Fraser (04502), John Sharkey (04509), Pamela Miller (03942), Carole MacLeay (03963), Michael Heath (04043), Catriona Meiklejohn (04044), A. McAllister (04528), Alasdair Cameron (00919), Rachael Meiklejohn (04045), Conon Bridge Community Council (03080), J S McCulloch (04525), Conon Bridge Petition (04495) - Above object because of one or more of the following: loss of central, well used (football and hockey clubs, dog walking and play area), greenspace also used by community for local events and as a safe, meeting place; national guidance urges against the loss of recreational space and promotes a healthy exercise agenda for young people; loss of village character; opposition from all local councillors; loss of only sports field in the village that is free and accessible; loss of flood storage area; playground area gifted to village by adjoining householders; additional traffic generated; irreversible loss of good agricultural land; adverse cumulative impact of this site and other developments; inadequate A835 village junction (poor visibility caused by traffic turning right off trunk road, poor verge planting maintenance and low winter sun) for speed of vehicles on the trunk road and projected increase in vehicle movements coming to/from Conon Bridge; poor ground conditions for built development; pluvial, fluvial and combined sewer flood risk (photographic evidence supplied); flood risk is being used as a reason to constrain other developments in this part of the village; land required to access site gifted to the local community in the 1950s and transferred in 1972 to the control of the Conon Bridge Amenities Association and is restricted to recreational use only, who still control it (the community created and laid out the playing field in the 1970s); adverse visual impact from Conon Station footpath; adverse impact on protected and other species; village is allocated for rapid expansion so it needs more not fewer facilities; bad precedent will be set that other vital greenspaces and playing fields can be built on; physical activity by young people depends on having accessible green/sports/play spaces and without it anti-social behaviour will increase elsewhere in the village; there are no sensible places to relocate the pitch to; loss of public views across the site; loss of village centre parking important for rail station, church (services and funerals), tourist stopping off point and for residents without parking in adjoining side streets; adequate supply and choice of allocated housing sites elsewhere in village; the poor track record of the Council and developers in controlling and implementing development over many years; safety risk caused by increased on-road parking if car park lost; other brownfield sites should be

developed such as the former garage on the High Street; part of a private property has been included within the site boundary (title supplied); inadequate public consultation and insufficient detail of proposed layout; extent of community opposition; the costs of relocating the playing field and other facilities; any replacement car park would be further away from the village centre and this would be disadvantageous to people with mobility issues, and; other better development sites within village. [03932/CB3/1-2, Photographs of Site; 04044/CB3/1, Extract of Transfer of Title to Conon Bridge Amenities Association,]

CB5 Braes of Conon

David Rendell (03999) - Seeks additional developer requirements because a roundabout at the junction of School Road, B9163 and Leanaig Road is needed early in the development process to resolve traffic safety problems created by: increased traffic flows accessing the Conon Braes development; the proximity of traffic calming measures to the junction; the poor visibility down Leanaig Road when exiting School Road, and; vehicles speeding up, out the traffic calmed area outside the school in Leanaig Road. Planting required because: developer's plan showed tree planting down the complete length of the eastern side of the farm access road to Conon Braes and this mitigatory planting should be implemented.

CB6 Riverford

James Attwood (04083) - Seeks additional developer requirements because essential for road safety reasons and setback between housing and potential business units required to protect residential amenity.

CB7 Drouthy Duck

George Nixon (04195) - Seeks enlarged allocation [04195/CB7/1] for a wider mix of uses including housing because: under single ownership and available; land and buildings vacant or underutilised; existing adequate access from High Street; previous appeal decision recognised that the amenity of the area could be improved by development; flood risk has been / could be assessed and mitigated; the Council have accepted the site is a brownfield infill site; it will provide housing choice; the Category C listing of the Drouthy Duck was only prompted by a planning application and need not be an impediment to a sensitive conversion of the building, and; other allocated sites are subject to the same flood risk.

Modifications sought by those submitting representations:

General

Scottish Water (00396) - Request amendment to the sentence including “.....and early engagement is required....” to read “whilst capacity exists currently at Assynt WTW, the cumulative impact of all proposed development within the overall plan on shared treatment assets makes it necessary for early engagement to take place between developers and Scottish Water, to ensure any additional capacity demands at Assynt WTW and Conon Bridge WTW in the future can be delivered in line with development.”

Scottish Natural Heritage (00204) - Amend second sentence of para. 4.134 so that it includes reference to CB1 as well as CB2-CB6.

Ian Fraser (04164) - Amendment to paras. 4.133 and 4.157 to state: "All new residential development in the catchment of Ben Wyvis Primary School will be required to make a contribution to the provision of community facilities within both Maryburgh and Conon Bridge and the future expansions of Ben Wyvis Primary School."

Siobhan Fraser (04163) - Modify paragraphs 4.157 (Maryburgh) and 4.133 (Conon Bridge) to: " required to make a contribution to: (a) The provision of community facilities within Conon Bridge and Maryburgh (b) Future required expansion of Ben Wyvis Primary School."

New Sites Not Previously Consulted On

Alasdair Cameron (00919) - Seeks two new allocations one to east of Albyn housing development for similar affordable housing development and one at A835 junction for industrial development.

CB1 Schoolhouse Belt

Woodland Trust (04364) - Deletion of allocation.

CB2 Braes of Conon

David Rendell (03999) - Additional developer requirement that site should not commence until the junction of the B9163 and the A835 has been upgraded.

Ewan Macdonald (04420) - Increased housing density and capacity (unspecified but implication that 15 per hectare reasonable).

CB3 Land to South West of High Street

Conon Bridge Amenities Association (04476), Robert McWhirter (04452), Alister Matheson (04073), Richard Green (04143), Ferintosh Parish Church (04454), Peter Greig (04241), Donald Campbell (04467), Moira Comloquoy (04469), R M Morrison (00163), Sandra Rea (04345), Irene Munro (04080), Anne Ellinson (04063), Michael J Burns (04466), Lucy Gregson (04240), Catriona Meiklejohn (04044), Gordon Carswell (04220), Len MacLachlan (04097), Archie Leslie (04105), John Comloquoy (04221), Janet & John Rigby (04127), Chris Rendell (04082), Florence Wilkerson (04099), James Brian Parry (04174), Will Campbell (04198), Kari Transdal (04094), James Attwood (04083), Patricia Kilgore (04136), Brian Frost (04135), Siobhan Fraser (04163), Conor MacLeay (03943), Allan Maciver (04100), Kenneth Fraser (04056), Emma Garden (03962), John Comloquoy (04527), Moira Comloquoy (04469), Elizabeth Blackburn (03932), Alan & Christine Fraser (04502), John Sharkey (04509), Pamela Miller (03942), Carole MacLeay (03963), Michael Heath (04043), Catriona Meiklejohn (04044), A McAllister (04528), Alasdair Cameron (00919), Rachael Meiklejohn (04045), Conon Bridge Community Council (03080), J.S. McCulloch (04525) - Deletion of development allocation and replacement with cherished greenspace notation or improved recreational area allocation.

Conon Bridge Petition (04495) - Amend the Plan to show this entire area (CB3) as a green space dedicated to the provision of outdoor recreation.

CB5 Braes of Conon

David Rendell (03999) - Additional developer requirements to: provide a roundabout at school road before the completion of phase 1 and to reinstate the provision of tree planting along the whole of the access to Conon Brae Farm.

CB6 Riverford

James Attwood (04083) - Additional developer requirements for: a landscaped buffer zone between the end of Brahan View and any new development, and; access to any new development should only be from the A862 and NOT through Brahan View.

CB7 Drouthy Duck

George Nixon (04195) - Expansion of allocation and settlement development area to include Riverbank House and vacant land adjacent (map supplied) identified for mixed use development which could include residential, retail and public house use.

Summary of responses (including reasons) by planning authority:

General

Siobhan Fraser (04163), Ian Fraser (04164) - The same residential developer contributions requirement is specified within both the Conon Bridge and Maryburgh chapters in paragraphs 4.133 and 4.157. The contribution catchment specified is one that encloses both villages. Therefore, no further clarification is required.

Scottish Natural Heritage (00204) - The absence of CB1 from the list of sites that may affect Natura sites is a factual error and should be rectified. The Council would support such a change should the Reporters wish to recommend it.

Scottish Water (00396) - The Council accepts that there is limited, spare, existing water and waste water capacity in the networks that serve the settlement but is looking at water and sewerage capacity to meet all Plan allocations. The capacity of existing networks cannot meet the capacities of all Plan allocations so it would be prudent to plan ahead and recognise the need for early discussions. If the Reporters feel necessary, then the Council would accept a reference to existing spare capacity.

New Sites Not Previously Consulted On

Alasdair Cameron (00919) - The two suggested sites may have some planning merit but have been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process.

Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a local employment use. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time.

CB1 Schoolhouse Belt

The Council believes that the Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but are presently commercial conifer plantations or have no or limited tree cover. The site's developer requirements seek additional planting in line with the site's planning permission. There are known surface water drainage issues within the site which are not currently referenced within the stated developer requirements. Accordingly, the Council believes the allocation should be retained without modification save any additional surface water betterment requirement the Reporters may be minded to consider and add.

CB2 Braes of Conon

The Council's proposed indicative density takes account of the site's sloping nature, northerly aspect, settlement fringe location and the village's limited infrastructure capacity particularly in terms of its trunk road junction and primary school capacity. Although the site is well placed to accommodate housing demand from employment growth within the Ross-shire Growth Area, site CB5 already has considerable spare capacity as do other larger sites in neighbouring settlements. Therefore there is no lack of effective housing sites that would justify an exceptional approach. The need for improvements to the A835(T) junction is a matter for Transport Scotland and it has not objected to this allocation. Many of the visibility issues are a product of the landform along this section of the route and could only be resolved by substantial and impracticable recontouring. However, it may be possible to undertake minor improvements such as slip land lengthening and it would be more reasonable to seek contributions to this type of measure. Accordingly, the Council believes the allocation should be retained without modification except the Reporters may wish to consider a requirement for a transport assessment justified improvement to the A835 junction such as slip lane lengthening.

CB3 Land to South West of High Street

The Council confirmed this allocation within the Plan because it was believed that road access to the site was practicable. However, the proof of title supplied by the Conon Bridge Amenities Association demonstrates that the Association controls the playing field area which is crucial to gaining an effective road access to the allocation. Given the Association's confirmed opposition to its release even if a better, reconfigured playing field was to be provided as part of wider mixed use development, suggests that the allocation is not effective and should be removed from the Plan. The extent of community opposition is also a relevant factor even though much of it is based upon a misapprehension that the playing field would be lost not improved as a result of the development. The Scottish Environment Protection Agency's (SEPA) latest flood risk mapping also shows a greater degree of flood risk than previously known which adds to the case to remove the site in the light of new information received since the Plan's content was confirmed in September 2013. Many of the other grounds of objection are overstated or based on other misapprehensions – for example more not less parking is a stated developer requirement. Given the above, the Council would be content if the Reporters were to conclude in the light of new evidence supplied that the allocation is ineffective and to recommend therefore that it should be removed from the Plan. The greenspaces shown in the Plan

have been selected as those which should never be changed (built on or enhanced by development) and are cherished by the wider community as useable public open space and/or perform an amenity function which benefits the wider community. The playing field and play area would meet these criteria given that no recreational enhancement is supported by the community. If the Reporters agree with this general approach to cherished greenspaces then it would be logical to add a green notation to the playing field and play area.

CB5 Braes of Conon

The whole allocation has an extant and part implemented planning permission that addresses these traffic and planting issues. Enforcement of any non-compliance with the conditions of this permission is an important matter but one separate from the development plan process. Accordingly, the Council believes the allocation should be retained without modification.

CB6 Riverford

The suggested additional developer requirements are sensible albeit they are likely to be unnecessary. Access would almost certainly be taken from the A862 and the business element of the site would likely be located at the south end of the site and should be of Class 4 i.e. compatible with housing adjacent . However, if the Reporter feels that clarification would be appropriate then the Council would be content with the suggested additional developer requirements. There is also a factual update required in that the existing speed limit is 30 not 40mph.

CB7 Drouthy Duck

Given the adjoining flood risk and latest SEPA mapping which confirms this potential risk, the Council does not support the expansion of the allocation beyond its previously developed “brownfield” footprint. The Council accepts that the listing does not preclude development but wishes that development to be limited to a commercial use given the site’s previous history as a public house and its competitive advantage at a gateway location in attracting passing trade. The Plan allocates many other alternative housing sites within the settlement and therefore there is no quantitative or qualitative need to justify a change from the previous and now allocated commercial use. The adjoining residential buildings lie within the settlement development area and could be redeveloped for housing as a natural infill site without the need for a positive housing development plan allocation.

Reporter’s conclusions:

General

Siobhan Fraser (04163), Ian Fraser (04164)

1. As the council points out the catchment area for developer contributions – that of the Ben Wyvis primary school – covers both villages. This is made clear in paragraphs 4.133 (Conon Bridge) and 4.157 (Maryburgh) of the proposed plan where the wording is virtually identical. I would not expect the plan to be specific about the exact location of the facilities as it is clear the specific requirements have not yet been finalised. No modification is

required.

Scottish Natural Heritage (00204)

2. This is the correction of a factual error and acknowledged by the council. The text should therefore be modified.

Scottish Water (00396)

3. The proposed modification is a more specific reference to future water capacity. While currently adequate, it will need expanding as development takes place, to meet future needs. The modification is accepted by the council and should be made.

New Sites Not Previously Consulted On

Alasdair Cameron (00919)

4. These two sites lie on the east side of Conon Bridge, adjacent to the A835 trunk road but outwith the settlement development area. Both are under grass but are difficult to access from the farm following the construction of the new trunk road.

5. The council makes a valid point that these two sites have come forward too late in the plan preparation process. It states there are alternative sites available for the housing and commercial uses proposed, and I have not been provided with any firm evidence to counter this.

6. Also acceptance of the sites would effectively mean modifying the settlement development area boundary. In the absence of any exceptional circumstances I believe this should be considered, if necessary, as part of the next plan review. The representee will have the opportunity of bringing the sites forward when this next takes place. No modification is needed.

CB1 Schoolhouse Belt

Woodland Trust (04364)

7. I agree with the council that restoration of long removed ancient woodland on a site now covered in conifer plantations is not a reasonable proposition on this case. Planning permission has been granted for the site. Although it is not clear if this is still extant the developer requirements reflect the content of that permission. The council suggests a possible reference to surface water betterment. This will already have to be addressed through the avoidance of any adverse effect on the integrity of the Conon Islands Special Area of Conservation and I do not consider any modification is required.

CB2 Braes of Conon

David Rendell (03999)

8. The representation concerns road safety at the junction between the B9163 and the A835 trunk road. The trunk road at this point is a relatively new road, constructed as part of the link from the Kessock Bridge to the west. The B9163 originally took traffic from Conon Bridge to the Black Isle but now provides the primary access from the village to the

trunk road system. The former road alignment is now staggered where it crosses the trunk road to provide a safe junction.

9. The trunk road at this point is straight, running down a gentle gradient from south-east to north-west, where it meets the Maryburgh roundabout. At the time of my site inspection traffic on the road was light, but although visibility was good, I was unable to judge the potential impact of heavy traffic flows. I note however that Transport Scotland has not made any reference to the junction and if problems were anticipated I would have expected this to be raised.

10. Despite this the council has suggested a developer requirement for a traffic assessment to consider whether improvements are needed to the junction in future. In suggesting this it accepts that any improvements would probably be restricted to lengthening the slip lanes on account of physical difficulties without major engineering works. Taking a precautionary approach I accept this modification should be made.

Ewan Macdonald (04420)

11. The implied increase in site density to 15 houses per hectare would give a notional site capacity of 138 houses, as opposed to the 115 in the proposed plan, at a density of 12.5 per hectare. While this figure is relatively low the council has pointed out there is no justification for a higher figure, and no specific arguments have been placed before me supporting this. Comparison with other sites elsewhere is not a justification for modification as circumstances may be different in other areas and each case must be judged on its merits.

12. The plan makes clear that the site capacities set out are indicative and an increase in density from 12.5 to 15 could be argued at the time when a planning application is made. I am not persuaded there is any need to modify the proposed plan.

CB3 Land to South West of High Street

Conon Bridge Amenities Association (04476), Robert McWhirter (04452), Alister Matheson (04073), Richard Green (04143), Ferintosh Parish Church (04454), Peter Greig (04241), Donald Campbell (04467), Moira Comloquoy (04469), R M Morrison (00163), Sandra Rea (04345), Irene Munro (04080), Anne Ellinson (04063), Michael J Burns (04466), Lucy Gregson (04240), Catriona Meiklejohn (04044), Gordon Carswell (04220), Len MacLachlan (04097), Archie Leslie (04105), John Comloquoy (04221), Janet & John Rigby (04127), Chris Rendell (04082), Florence Wilkerson (04099), James Brian Parry (04174), Will Campbell (04198), Kari Transdal (04094), James Attwood (04083), Patricia Kilgore (04136), Brian Frost (04135), Siobhan Fraser (04163), Conor MacLeay (03943), Allan Maciver (04100), Kenneth Fraser (04056), Emma Garden (03962), John Comloquoy (04527), Moira Comloquoy (04469), Elizabeth Blackburn (03932), Alan & Christine Fraser (04502), John Sharkey (04509), Pamela Miller (03942), Carole MacLeay (03963), Michael Heath (04043), Catriona Meiklejohn (04044), A McAllister (04528), Alasdair Cameron (00919), Rachael Meiklejohn (04045), Conon Bridge Community Council (03080), J.S. McCulloch (04525), Conon Bridge Petition (04495)

13. Extensive reasoning for the deletion of this site is set out above and there is clearly extensive public opposition to its designation in the plan. Possible deletion from the plan should rest on the strength of the planning arguments. The council considers some of those to be exaggerated. I am in no doubt however that many are well founded and

should be taken seriously.

14. There is however one over-riding factor that involves new information since the plan was prepared and that concerns flood risk. The Scottish Environment Protection Agency's latest flood risk mapping shows a greater degree of risk than previously thought. Representations refer to the potential loss of flood storage areas, and I am aware from previous experience of the susceptibility of Conon Bridge to flooding.

15. Taking all this into account, and especially that the strength of local feeling is backed by sound planning argument, I accept the council's proposal that in the light of the new flood risk evidence the site be deleted from the plan. Although there is already a shortfall in housing land supply in the mid-Ross Housing Market Area, there is a surplus across the plan area as a whole (these matters are discussed further under Issue 2). I note the proposed capacity of site CB3 is relatively small, and therefore, in deleting the site, I do not consider there will be any significant consequences for other parts of the plan.

16. As a consequence of this it is sensible to designate the area covered by the playing field and play area as open space to provide protection for them. The plan should be modified accordingly.

CB5 Braes of Conon

David Rendell (03999)

17. It was clear from my site inspection that the development of this site is well under way. While I did not count the houses it would have been approaching if not exceeding half completion. At this stage it is not possible to make changes to, or add to, any of the conditions imposed on the planning permission. No modification is required.

CB6 Riverford

James Attwood (04083)

18. These proposed modifications are to protect the residential amenity of properties in Brahan View. While stating they are probably not necessary the council has accepted them as being sensible. They provide for landscaping and access and in the interests of residential amenity. I agree they should be accepted.

CB7 Drouthy Duck

George Nixon (04195)

19. The council refers to the new information on flood risk already mentioned above in relation to the new Scottish Environment Protection Agency. Site CB4 lies just above the river bank adjoining the flood risk area and potentially at risk. I agree with the council that in these circumstances the limited extension to the site outwith the settlement development area is not justified.

20. The Drouthy Duck Tavern – or strictly speaking former tavern as it is now closed – is an attractive building at the entrance to the village. As such I understand the council's wish to see it retained in commercial use, preferably as a retail outlet. I am not convinced that conversion to a house is the best way forward until other avenues have been

explored.

21. As the council points out, vacant ground nearby could be developed as infill land within the development area under present policies. I find no justification for any modification.

Reporter's recommendations:

It is recommend that:

1. In the second sentence of paragraph 4.134 between 'combination' and 'CB2': "CB1" be added.
2. In the first sentence of paragraph 4.133 after the words 'Corntown junction': the rest of the sentence be deleted. A new second sentence be added as follows: "Whilst capacity exists currently at Assynt Water Treatment Works, the cumulative impact of all proposed development within the overall plan on shared treatment assets makes it necessary for early engagement to take place between developers and Scottish Water, to ensure any additional capacity demands at Assynt Water Treatment Works and Conon Bridge Water Treatment Works in the future can be delivered in line with development."
3. Under the requirements for site CB2, after 'Flood Risk Assessment' the words: "Traffic Assessment of the impact on the B9163/A835 trunk road junction." be added.
4. Site CB3 be deleted. Note there should be consequential renumbering of other sites.
5. The playing field and play area located on the (now former) site CB3 be designated as open space.
6. Under the requirements for site CB6 after 'Rail Halt;' the words: "access to be taken from the A862;" , and after 'along the A862;' the words: "provision of a landscaped buffer between the end of Brahan View and any new development;" be added.

Issue 40	Contin	
Development plan reference:	(Para 4.135, Page 130)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
S J Fraser (01173) Robbie Gordon Munro (04340)		Alistair & Selina Rennie (04346)
Provision of the development plan to which the issue relates:	Contin	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Settlement Development Area</i></p> <p>S J Fraser (01173) - Wants settlement development area expanded to the north near house known as 'Torrison' [01173/CT General/1] to replicate the settlement boundary shown in the Ross and Cromarty East Local Plan [CD3, Contin Inset Map] to establish the principle of housing development. Considers that tree preservation order should be cancelled as trees are of limited monetary value; refers to petition that supported a previous planning application on site signed by 60 residents; application for housing will not be supported unless site lies within settlement development area because Contin is in the hinterland.</p> <p><u>CT2 Contin Mains</u></p> <p>Alistair & Selina Rennie (04346) - Considers that 53 homes (would increase Contin by a third) seems high however notes it is a reasonably large area; welcomes requirement for masterplan which is in keeping with the surroundings and sensitively developed to ensure a positive contribution to the area.</p> <p>Considers it is difficult to comment meaningfully in absence of detail and welcomes the opportunity to comment further in the future.</p> <p>Robbie Gordon Munro (04340) - Munro Family and others want CT2 removed and Contin removed from hinterland because:</p> <p>Site is constrained by ownership – it is owned by many parties who do not support the allocation and are not willing for their land to be used for site access; Smithy Croft has a right of access via Contin Petrol Station; detailed landownership boundaries are currently being considered at land court, no allocation should be made until this matter is resolved. Compulsory purchase order powers could not be used to deliver allocation as housing development is not sufficient justification.</p>		

Roads issues, in particular safety risks associated with increased traffic and inadequate traffic calming; increased access issues with an already excessive number of junctions with poor visibility from the trunk road to Contin Petrol Station, Smiddy and Smiths Garage; no provision for a secondary or emergency exit; adverse impact on Munro and Contin Mains Farm access, in particular turning circle requirement for heavy goods vehicles; Petrol Station and Smiths Garage vehicles currently obstruct access to Smithy Croft and Munro Farm; restriction of access for oil tankers; negative impact on Momentum IT Solutions Ltd; adverse impact on traffic flow; no double yellow lines that are necessary to prevent parking on trunk road; no existing pedestrian crossing facilities; lack of active travel provision particularly on trunk road, would increase the risk to road users, pedestrians and cyclists; questions if Proposed Plan will identify appropriate parking for neighbouring businesses and residents.

Exacerbate existing parking issues – settlement wide review is required; surplus vehicles associated with Smith's Garage park unauthorised at Contin Mains Steading, on trunk road and footpath causing harm to neighbouring homes, businesses, amenity and creating road safety issues, this is evidenced by a Court Interdict and recent planning application which requires Smiths Garage maintain clear and available parking at all times; result in loss of parking at central location, in particular business parking associated with the Smiddy.

Obstruct view and prominence of sites of historical significance, especially around Preas Mairi Burial Chamber Scheduled Monument, the Beech trees of the Preas Mairi woodland walk all of which are in close proximity to the site; priority must be given to redevelopment of Contin Mains Steading as it is contained in the Historic Environment Record and therefore must be protected; is brownfield land and would protect farm land proposed to allocated.

Significant visual impact as it is an elevated site in the foreground to Preas Mairi Burial Chamber and monument would make even bungalows out of keeping with surroundings; large visual impact from Strathconon and Fairburn; would spoil an area of outstanding natural beauty and defining eastern boundary features have now been removed therefore resulting in no man made or natural boundary to the site.

Loss of prime farm land: Contin Mains Farm and Munro Farms are prime agricultural land with perfect growing conditions for cereals for which there is demand.

Negative impact on protected species including red squirrels, red kites, deer, pheasants, owls and mice; alleges red squirrel habitat already destroyed as trees felled without planning permission; notes the Conservation of Habitat and Species Regulation 2010.

Limited sewerage capacity, existing drainage issues.

Excessive scale of development not proportionate to demand because: no demand for new housing - evidence is new properties are marketed for extensive periods and sold for below asking price, for example at Woodland Park; average one house completion per year for the past 16 years; settlement in decline, number of facilities now closed, for example Smiddy retail unit vacant for two years with no demand for commercial use; create over supply of housing provision; would lower house prices and increase length of time properties are on the market; would create many unsold plots which will become a lasting eyesore for decades like 'Woodland Park'.

Allegation that owners motive is financial gain rather than benefit for community; alleges breaches of planning control including felling of trees and ground works and police documented incidents including the restriction of access to the trunk road.

Modifications sought by those submitting representations:

General

S J Fraser (01173) - Settlement development area expanded to the north near house known as 'Torrison' to replicate the settlement boundary shown in the Ross and Cromarty East Local Plan.

CT2 Contin Mains

Alistair & Selina Rennie (04346) - Supports subject to detailed masterplan.

Robbie Gordon Munro (04340) - Removal of site; Contin removed from hinterland.

Summary of responses (including reasons) by planning authority:

General

S J Fraser (01173) - A residential dwelling called 'Torrison' lies at the north end of Contin. The landowner wishes the settlement development area shown in the Proposed Plan [CD6, Contin, Page 69] to be expanded to the north to replicate the settlement boundary shown in the Ross and Cromarty East Local Plan. The reason the settlement development area has been contracted in comparison to the Ross and Cromarty East Local Plan is that a new approach was taken in the preparation of the Plan for settlement development areas to reflect the built up area and allocated expansion areas for mapped settlements, this is specified in the Proposed Plan's glossary [CD6, Glossary, Page 165]. Land outwith settlement development areas normally fall to be considered under Highland-wide Local Development Plan (HwLDP) development in the countryside policies. Contin lies within the hinterland boundary, and therefore any application for housing would be assessed against HwLDP Policy 35 Housing in the Countryside (Hinterland areas), this policy presumes against housing in the open countryside subject to a number of exceptions [CD1, Policy 35, Pages 86-87].

The reasoning for the landowner wishing to expand the settlement development area is to establish the principle of housing development on this land. The requested expansion area comprises deciduous woodland that is contained in the inventory of Ancient Woodland and is partly protected by a Tree Preservation Order [Contin – Woodland Designations THC CT General/1]. Planning applications have been received in the past for land associated with the residential dwelling 'Torrison'. A planning application (ref: 01/00800/FULRC) for three house plots was refused in 2001 and a planning appeal for this application was subsequently dismissed in 2003. A further planning application (ref: 03/00983/FULRC) for four house sites was submitted in 2003 and subsequently refused. The reasons for refusal of latter application were, in summary, the impact upon the woodland present on the application site; the undesirable precedent approval of the application may set and that the application was premature as the Ross and Cromarty East Local Plan was at deposit draft stage [Refusal of Planning Permission Decision Notice 03/00983/FULRC THC General/2]. Whilst the site was subsequently included within the Ross and Cromarty East Local Plan

settlement development area for Contin, it was allocated for amenity use [CD3, Contin Inset Map]. The Ross and Cromarty East Local Plan explains that an allocation for amenity use means that the Council will safeguard these areas from development not associated with their purpose of function [CD3, Page 27]. There is therefore a presumption against development in these areas; a planning application for housing development would be unlikely to be supported.

Scottish Planning Policy [THC CT General/3, Para 146] recognises that ancient woodland is an important and irreplaceable national resource that should be protected and enhanced. Tree Preservation Orders are served to safeguard areas of trees and woodland from development without consent of the planning authority. Therefore, on this basis, it is not considered appropriate for the settlement development area to be expanded at this location. Accordingly the Council believes the settlement development area should be retained without modification.

CT2 Contin Mains

Alistair & Selina Rennie (04346) - It is accepted that 53 homes does represent a significant increase to the housing stock of Contin. However, Scottish Planning Policy requires that a generous supply of housing land is allocated to meet the housing land requirement [THC CT2/1, Para 66]. The allocation, along with other allocations in the part of the West Ross Housing Market Area that lies within the Plan area [CD6, Map 4, Page 14] provides sufficient housing land to meet the housing land requirement for the Plan period. In terms of density the capacity of housing on the site was based upon a density of approximately 15 units per hectare excluding the frontage area adjacent to the A835. This capacity was calculated in line with the Housing Land Requirement Background Note [THC CT2/2] that accompanies the Proposed Plan, in summary to promote the efficient use of land whilst taking into account general site conditions and the relative accessibility of the site. A density of 15 units per hectare falls between low and medium as specified on the Housing Land Requirement Background Paper that accompanies the Proposed Plan.

The purpose of a development plan allocation is to establish the principle of certain types of development, rather than detailed design and layout considerations. The proposed allocation [CD6, Site CT2, Page 132] however does require the developer to prepare a masterplan/development brief to be agreed with the Council who may adopt this as supplementary guidance. This masterplan will provide detail on the issues raised in the representation and must also be subject to public consultation.

Robbie Gordon Munro (04340) - It is accepted that the ownership of the site is currently unclear. It is understood that detailed landownership boundaries are currently being considered at land court. Should the outcome be that parts of land required to deliver the site, in particular access to eastern parts of it, are in different ownerships this is likely to present a significant constraint to the delivery of the site, particularly given that potential landowners of the contested land do not support the allocation of the site, and hence are not willing for their land to be used for site access. The Council continues to support the inclusion of the site despite land ownership uncertainties because options for sites to meet the housing land requirement for the part of the West Ross Housing Market Area that lies within the Proposed Plan area are very limited in Contin due to the presence of ancient woodland and areas of risk from flooding [THC CT2/3]. The Council accepts that it is very unlikely compulsory purchase order powers could be used to acquire land for housing development.

The site will be accessed from the A835 via land close to Contin Mains steading. Transport Scotland has not raised any issues with regards to the impact of increased usage of this junction on the trunk road network. The requirements text for the site specifies that a masterplan/development brief must be prepared. This will be expected to address transportation considerations, including provision of a suitable access, site layout and active travel considerations consistent with HwLDP policies and the Council's Road and Transport Guidelines for New Development and to the satisfaction of Council Roads Officers and Transport Scotland.

With regards parking, this would be required to be provided consistent with the parking standards specified in the Council Roads and Transport Guidelines for New Development.

The amenity of the woodland walk within woodland that partially forms the eastern boundary of the site is unlikely to be significantly adversely affected by the development given the presence of mature trees and the relatively small part of the path that lies adjacent the site.

The Preas Mairi, chambered cairn scheduled monument is situated to the south east of the site within mature woodland [THC CT2/4]. Scottish Planning Policy [THC CT 2/5, Para 111-112] and the HwLDP [CD1, Policy 57, Page 111] presumes against development that would have an adverse impact effect on a scheduled monument or the integrity of its setting. Given the presence of the mature woodland the Preas Mairi is not visible from the site and therefore its allocation is unlikely to have an effect on it or its setting. Furthermore, Historic Scotland has not raised any issues regarding the allocation.

With regards to any impact on Contin Mains Farmstead and Contin Mains Steading, neither buildings are listed as being of special architectural or historic merit. Whilst Contin Mains Farmstead is contained in the Council's Historic Environment Record [THC CT2/4] and the impact upon the integrity of the site and setting is a consideration, it is not considered the development of the site will affect the integrity of the farmstead. However given that there are a number of features of archaeological interest in the area, archaeological investigations may be required prior to any development taking place. In terms of prioritising redevelopment of the steading before the greenfield area of the site it is not possible for the Proposed Plan to require this. Whilst Scottish Planning Policy and the HwLDP supports redevelopment of brownfield sites, any prioritisation of the site would not provide sufficient housing land to give flexibility and market choice.

There will undoubtedly be some visual impact by the development of the site, particularly from houses which overlook the site to the north. However development of the site is unlikely to significantly affect attractive long distance views in the area. The site is relatively well contained by the presence of mature trees and existing built development. It forms a logical site for the consolidation of the settlement without any significant visual impact. The Council intends to adopt as supplementary guidance a future developer led masterplan or produce its own development brief for the site, this will address a number of matters including landscape and visual impact.

The entire site comprises prime quality agricultural land. Scottish Planning Policy [THC CT2/6, Para 97] requires that development on prime quality agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need. The allocation of this site in Contin is considered an essential component of the settlement strategy whereby the Proposed Plan supports the allocation of housing to provide for housing need throughout the Plan area. The site is considered

the most appropriate site in the context of Contin given its location close to the settlement's services and facilities. There are no sites within or close to the settlement that could provide a more suitable alternative due to the presence of important stand of ancient woodland, the trunk road and areas of flood risk.

The general text for Contin states that species surveys, including reptiles and great crested newts for any sites containing water body, will be required to support development proposals [CD6, Para 4.138, Page 132]. Furthermore HwLDP Policy 58 Protected Species [CD1, Policy 58, Page 113] presumes against development that is likely to have an adverse effect on protected species. Any future planning application for the site would be required to be consistent with this policy.

In terms of Habitats Regulations the Council have worked in partnership with Scottish Natural Heritage to prepare a Habitats Regulation Appraisal (including Appropriate Assessment) of the Proposed Inner Moray Firth Local Development Plan. This appraisal screened out all sites in Contin both alone and in combination as they were assessed to have no effect on Natura sites [Habitats Regulation Appraisal Record THC CT2/7, Table 5].

Scottish Water has confirmed that as only a modest increase to the settlement is supported, there are no significant issues relating to waste water. Nevertheless there is very limited capacity at the 'playing fields' waste water treatment works. However Scottish Water have stated that after early engagement with developers and the Council, sufficient capacity will be delivered via investment prior to this point. Furthermore there may be potential for the Conon Bridge waste water treatment works to be utilised which generally has capacity available but consideration will be required for growth funding.

Surface water from all new development must be treated by a sustainable drainage system before it is discharged into the water environment. This is a prerequisite of all new development any proposals must have a neutral or better affect on any existing drainage issues.

In terms of demand it is accepted that Contin is a small settlement outwith the main employment centres in the Inner Moray Firth area. However sufficient land must still be allocated to meet the Housing Land Requirement in the part of the Plan area that lies within the West Ross Housing Market Area, this must be allocated in the settlements of Contin and Strathpeffer. The number of units allocated in Contin reflects the housing land requirement and the expected contribution from windfall development. The only other sizable site allocated in Contin with capacity for a number of houses is the site shown as H3 at Woodlands Park. A number of units on this site have either been built out or have planning permission. There are therefore not sufficient existing housing sites in Contin to meet the demand for the duration of the Plan period.

It is understood alleged breaches of planning control are being investigated by the Council's Planning Enforcement Team. Other matters raised in the representation are not material planning considerations.

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

Reporter's conclusions:General - S J Fraser (01173)

1. The council has clearly decided to take a different approach from that in the previous Ross and Cromarty (East) Local Plan in that the former settlement boundaries, now referred to as 'Settlement Development Areas', are more tightly drawn around the built up areas of settlements. An exception would be where there is clear reasoning for the development of a site outwith the existing developed area that has been brought forward through the plan process. This is not the situation here.

2. In this case there was no prospect of the site proposed by the representee being developed under the old local plan because of its designation as amenity ground and the presence of ancient woodland and, in part, a tree preservation order. This lack of prospect has been established through successive planning applications and appeals. Development in this area would also be contrary to Highland-wide Local Development Plan Policy 35 Housing in the Countryside (Hinterland Areas) as it presumes against housing in open countryside. I therefore find no justification for including it within the proposed plan.

3. The limited monetary value of the trees on the site is not relevant to my consideration.

CT2 Contin Mains - Alistair & Selina Rennie (04346)

4. The representees state they neither support nor object to the plan because of the limited amount of information available. Whilst commenting the site capacity seems high relative to the village population they acknowledge it is a large site and welcome the prospect of being able to comment when a masterplan is prepared. No modification is required.

Robbie Gordon Munro (04340)

5. This representation raises a number of issues that the council are aware of and the plan sets out requirements for a masterplan/development brief for site CT2 that may be adopted as supplementary guidance and thus become part of the local development plan. These issues include access, provision of business/tourism or retail uses, location of houses, and the impact on the Preas Mairi chambered cairn scheduled monument. I am satisfied that this is the correct way to address these issues rather than in the plan itself.

6. The council acknowledges potential difficulties of land ownership but these do not necessarily preclude the inclusion of the site in the proposed plan. The plan identifies provision of over 80 sites in the village to year 2031. These include 30 houses allocated for development on sites CT1 and CT3. The former, Woodland Park, is already under development. Given the evidence of slow housing sales it is more than likely that these two sites will account for demand beyond the proposed plan's five year timescale. I am satisfied therefore that provision at Contin Mains is for the longer term, giving an opportunity for ownership matters to be resolved. If this is not the case there will be opportunities to review the situation during the preparation of future plans. Issues of monetary gain by land owners are not relevant to my consideration.

7. I note that Transport Scotland is content with the proposal from a trunk road access perspective. Scottish Water considers there are no significant issues regarding waste water treatment. Although the site is mainly prime farmland, Scottish Planning Policy states at paragraph 97 that development on such land can be allowed where it is an essential part of the settlement strategy, as is the case here. All the Contin sites were screened out as part of the Habitats Regulations Appraisal for the proposed plan.

8. No other issues have been raised that persuade me the site should be deleted from the plan. Therefore no modification is required.

Reporter's recommendations:

No modifications.

Issue 41	Cromarty	
Development plan reference:	(Para 4.139, Page 132)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Fraser Stewart Architects (00407) Albyn Housing Society Ltd (00419) Garve Scott-Lodge (00666) Evan McBean (01204)	Alexander Thomson (03953) Julie Price (04019) Alison Hill (04022) Charles Phipps (04051)	
Provision of the development plan to which the issue relates:	Cromarty	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Housing Land Supply</i></p> <p>Garve Scott-Lodge (00666) - Seeks allocation of more housing land considering: that Cromarty has historically lower housing growth than other Black Isle settlements and therefore needs more development opportunities now; that there is a reduction in housing land available in this plan as previous sites have been developed or are no longer available; that there is demonstrated demand for any housing that has been built; that there is a need for self build opportunities; and that the school roll is expected to fall by 20% despite an assumption of 46 houses being built in the catchment so the plan should identify greater development opportunities here.</p> <p>Introductory text</p> <p>Scottish Water (00396) - Scottish Water seeks amendment of text in 4.141 to emphasises that engagement is important on an ongoing basis to address the cumulative impact of development on an asset which currently has significant free capacity and not as a result of a current capacity issue.</p> <p><i>New Sites Previously consulted on:</i></p> <p>NS58 from the Alternative Sites and Uses consultation</p> <p>Fraser Stewart Architects (00407), Evan McBean (01204) - Development interests here seek inclusion of a housing allocation which would cover H4 and C6 from the Main Issues Report [CD5, Cromarty site H4 and C6, Page 71], and for the Settlement Development Area (SDA) boundary to be amended to include this allocation and the Manse, Rosenberg, Greenwood and Urquhart Court as well to the East the Gaelic chapel and cemetery etc [CD6, Cromarty Map, Page 134].</p>		

It should be noted that: the current Plan Settlement Development Area boundary is drawn much tighter than it was in this plan's preparation or in the existing Ross and Cromarty East (RACE) Local Plan [CD3, Map booklet, page 16]; it is considered that the rationale of a boundary should include the built forms of the Manse, Rosenberg, Greenwood and Urquhart Court as well as the Gaelic chapel and cemetery etc; and that as part of this Plan preparation the landowner here put forward seven initial options and H4 and C6 were supported for housing in the Alternative Sites and Uses consultation (thus suggesting that H4 and C6 were considered the most suitable sites).

It is considered that sites H4 and C6 offer the most appropriate future direction for growth of the town as: the Congregational Board of the Church of Scotland Parish Cromarty consider that development west of the settlement boundary rather than within inner green spaces will help sustain tourism; there are very limited infill sites available; there is no indication that land to east of the village would be made available by the landowner; there is almost no land to the west near sea level and there would be a flood risk issue with its inclusion; the sites have local support; and if H4 and C6 were allocated a new mini roundabout would slow traffic on Denny Road allowing for a safer access at the top of Victoria Park to CM1.

Other merits of the proposed development of H4 and C6 are that they: would round off the settlement; add to existing built development above the escarpment and to the diversity of the built and natural environment; planting around public spaces and individual plots would become accessible public space in contrast to the wooded escarpment; are within acceptable active travel distance (400 metres) of shops and services; would contribute the necessary affordable housing contribution; are remote from important or listed buildings and are outside the Cromarty House Designed Landscape; and whilst the planning system cannot ensure this the intention is to give preference to local people; provide opportunity for self build and there is no alternative opportunity (as CM1 is a developer led, higher density, village centre site) which puts Cromarty at a disadvantage to other Black Isle settlement (sweat equity offers a different option than other conventional mortgage/ owner occupier/ shared equity); would affect the economic vitality of the town (as there is currently limited opportunities for growth with many town sites constrained) and would provide for a greater and more diverse housing land supply (and with a need for a 30-40 home requirement identified in the Sandilands Development Brief, it is considered that the H4 and C6 are necessary).

In terms of mitigating the impact of development of H4 and C6 (from the MIR) it is suggested: these sites would not adversely affect the character of Cromarty as they would provide further character areas with development setback from the escarpment and provide careful and considered design as illustrated in a supporting Vision document [00407/CM General/1, Design Brief Vision Statement]; it would provide attractive green routes by linking with the town and wider footpath network including the Lady walk; it would explore the option of creating a new footpath to the centre via the escarpment exiting onto the Denny Road pavement, improving existing pathways behind Townlands Park, and the possibility for footpath widening improvement to Denny Road (the road is 6m wide and the footpath is 940mm – giving sufficient room to widen if necessary); that an advance tree planting scheme can be put in place; that loss of prime agricultural land is not a material consideration as if required more intensive methods could compensate for the small loss of land. Additionally the landowner wishes to work closely with the Council to explore possibility of making land available for the graveyard and allotments (with CM3 no longer available for allotments).

Whilst not prescriptive there is a strong commitment through the supporting Vision document and illustrative masterplan [00407/CM General/1, Design Brief Vision Statement] to a vision for the site which: gives careful consideration of the constraints and opportunities; commits to design quality in the public realm; addresses access impact and provides footpath connectivity and improvement of existing footpaths; invests in advance structural landscaping, provides for sympathetic boundary treatment and integration with existing boundary; addresses privacy concerns; and minimises the visual impact taking account of the historic landscape and buildings.

CM1 Sandilands

Albyn Housing Society Ltd (00419) - Seeks extension of boundary to include Victoria Park to improve the flexibility and deliverability of this site.

CM3 Daffodils Field

Alexander Thomson (03953) - There is a community interest in acquiring land here for seating and therefore public access should be maintained to the shore side of the field.

Julie Price (04019) - Objects to the allocation for the following reasons: allotments have recently been provided nearby and there is no demand for more; CM2 is more appropriate as it provides a nearby facility for the western side of the village; the site has an amenity value and adds to the character of the area; and it would detrimentally affect nearby properties amenity and privacy.

Alison Hill (04022) - Seeks amendment of the boundary to exclude their property and garden ground as it is not part of the daffodils field.

Charles Phipps (04051) - Development interest seeks the removal of this allocation for the following reasons: it is not available for allotments and its allocation raises false expectations; it was identified in the officers draft of the Main Issues Report (MIR) as a preferred housing site before being changed to a non preferred site when the MIR was published for consultation; the intention is to develop this site for a few houses; and there are no technical constraints to its development that cannot be overcome.

Modifications sought by those submitting representations:

General

Housing Land Supply

Garve Scott-Lodge (00666) - Seeks the inclusion of more housing development land within Cromarty

Introductory text

Scottish Water (00396) - Seeks substitution of existing sentence in 4.141 to: "The cumulative impact of all proposed development within the overall plan on shared treatment asset such as Assynt WTW makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the asset can be delivered in line with development.

New Sites previously consulted on

NS58 from the Alternative Sites and Uses consultation

Fraser Stewart Architects (00407), Evan McBean (01204) - New Sites previously consulted on: seeks allocation of land west of the Manse (H4, C6) from Main Issues Report for housing and amendment of the settlement development area boundary to enclose these areas and the Manse, Rosenberg, Greenwood and Urquhart Court as well to the East the Gaelic chapel and cemetery etc.

CM1 Sandilands

Albyn Housing Society Ltd (00419) - Extension to boundary to include Victoria Park.

CM3 Daffodils Field

Alison Hill (04022) - Seeks amendment of the boundary to exclude their property and garden ground.

Julie Price (04019) - Seeks removal of the allocation and protection of the site as open space (assumed).

Charles Phipps (04051) - Seeks removal of allocation and retention of the area within the Settlement Development Area.

Alexander Thomson (03953) - Seeks developer requirement for public access to the shore side of the field (assumed).

Summary of responses (including reasons) by planning authority:

General

Housing Land Supply

Garve Scott-Lodge (00666) - There is no housing land requirement in Cromarty beyond the MU1 33 home allocation during this Local Development Plan period. The scale of development determined for Cromarty is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for over 30 new homes being identified for the period 2011-31. The development interest in MU1 is from Albyn Housing Association who are highly motivated to deliver development and address affordable housing needs.

Introductory text

Scottish Water (00396) - Agree with Scottish Water's proposed change as it relates only to sentence structure and providing greater clarity, and can therefore be made as a non-notifiable modification.

New Sites Previously consulted on

NS58 from the Alternative Sites and Uses consultation

Fraser Stewart Architects (00407), Evan McBean (01204) - Please refer to the response given above on the housing land supply which are critical to the non support of this site. Neither H4/C6 of the Main Issues Report are supported through this Local Development Plan but should be reconsidered in future Local Development Plan reviews.

After considering the consultation comments made on them and the pros and cons of the Main Issues report (MIR) H1-H4 sites it is considered that the H4/C6 site above the escarpment adjacent to the manse are the most suitable of the remaining sites after the Sandilands site. This is principally because of the historic environment impacts of the other sites (recognising that Historic Scotland previously submitted comments on H1-3 considering that these sites would be likely to have a significant impact on the Cromarty House Inventory Designed Landscape) [THC, CM General/1, Pages 27-33, Historic Scotland's response to the MIR of the IMFLDP]. This led to C6 from the Main Issues Report being consulted on through the Alternative Sites and Land Uses consultation as a preferred housing site [THC, CM General/2, Preferred site consulted on in Alternative Sites and uses consultation IMFLDP] as the Council considered that if only H4 [CD5, Page 71] is identified on its own it would be unlikely to be viable as it relies on a lengthy access before the housing development commences.

However this preference was made in spite of the accessibility/distance from town facilities issues that are raised, and the recognition that these can only be partially addressed through mitigation and extension of the footpath provision on Denny Road. The comments the Council received on the Alternative Sites and Land Uses consultation indicated some concerns about this sites development due to loss of prime agricultural land, landscape impact, and access/remoteness from town services. One respondent considered that there was a need to focus on the town itself and realise opportunities available within it. After considering the consultation comments it was considered that given the level of confidence and motivation to begin the development of MU1 [CD6, Cromarty settlement text, Pages 133-134](alongside any small infill opportunities within the Settlement Development Area and any rounding off housing groups opportunities in the locality) there was no requirement for a further housing allocation in this plan period. The Council therefore does not support this sites inclusion as a housing allocation or within the Settlement Development Area.

With regard to the proposed extension of the Settlement Development Area to include land around the Manse, Rosenburg, Greenwood and Urquhart Court as well to the East the Gaelic chapel and cemetery the Ross and Cromarty East Local Plan did include this land within its settlement boundary. However its inclusion within the settlement boundary was to cover it with a Background Policy 3 [CD3, Map booklet, page 16] feature to protect the woodland/open space and its intention was to support works that enhance the appearance or enjoyment of open spaces and woodland [CD3, Cromarty settlement text, page 59]. This is still the Council's position and therefore it should be kept outwith the SDA as proposals of this nature can be supported without its inclusion with the SDA. However if it is to be included within the SDA it should be with as a community allocation for developments that support the appearance or enjoyment of open spaces and woodland.

CM1 Sandilands

Albyn Housing Society Ltd (00419) - The CM1 site has the benefit of a development brief

which was finalised in February 2006 [THC CM CM1, Sandilands Cromarty Development/Design Brief]. This provides further guidance and certainty for how the site should be developed. The suggested extension may have some planning merit but has been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to make this change at this late stage in the Plan's process. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time.

There is possible provision in the Development Plan for development on open space (policy 75 Open Space) where it meets criteria which includes "substitute provision will be provided meeting the needs of the local area" [CD1, Policy 75, Page 132]. Therefore should the developer wish to pursue a proposal which provides substitute provision this could potentially accord with the Development Plan. However this represents a significant change to the settlement strategy therefore if this proposal is progressed the developer would need to prepare a new Development/Design brief with the community. Key additional issues for this revised proposal would be the configuration and quality of the substitute open space provision on the CM1 and how the proposal fits with the surrounding built heritage on this more prominent site.

CM3 Daffodils Field

Alison Hill (04022), Julie Price (04019), Charles Phipps (04051), Alexander Thomson (03953) - The boundary of this allocation should be amended to exclude the private property and garden ground as this was not intended and is an error in the drafting of this plan.

With regard to the demand for allotments the submission of the Cromarty Allotment and Garden Society at the Main Issues Report stage sought additional land beyond CM2 for further allotments and indicated a preference for this site if land within CM2 is not available [THC CM CM3, Page 25, Cromarty Allotments and Garden Society consultation response to the MIR of the IMFLDP]. However if this allocation is to be removed (given the landowners reluctance to make it available for this use) then the Council seeks its allocation as open space.

This is because the sites development would have a detrimental impact on the character of village and on its built heritage assets. The Daffodils field has a high amenity value and the community want to acquire land here for seating and access on the shore side of the field. The site also lies within the Cromarty Conservation Area which protects not just the quality of many of its individual buildings but their relationship to each other and to the wider spaces. Within this the Daffodils field have an important role in the setting of the listed buildings and offer a contrast in settlement pattern to the centre of the town, providing a transition between the town and its rural surrounds. It lies adjacent to the oldest identifiable house in Cromarty, the A listed Gardner's cottage/and former manse for Cromarty East Church with its walled gardens part of the listing. This sites development

would impinge on these qualities and on the heritage assets of the town and therefore it should remain as a community allocation for allotments with access to the shore side and seating or be identified as an open space.

In light of the above the Council would support a change to the boundary of this allocation to exclude the private property mentioned and to require retention of access to the shore side of the field and opportunity for seating provision here should the Reporters wish to recommend it.

Reporter's conclusions:

General

1. There are a number of representees who seek greater allocation of land for development within the plan. The scale of development was identified in the Highland-wide Local Development Plan and as noted elsewhere in this report, sufficient land has been allocated in the proposed Inner Moray Firth plan to meet the requirement across the plan area. Shortfalls in the mid-Ross Housing Market Area are balanced by surpluses in neighbouring housing market areas. There is not therefore an over-riding need for further additional land for development at this time.
2. The setting on a peninsula backed by a raised beach escarpment together with the need to conserve the historic fabric and setting of the village has constrained development resulting in relatively low growth compared to other Black Isle settlements. This however is an inherent aspect of the setting of the historic village and not necessarily a reason either to seek additional growth to catch up with growth elsewhere or to expand onto the escarpment simply to make more land available. The council's strategy of utilising the only sizable site in the centre of the village (CM1 Sandilands) to encourage a mix of housing types is in my view a strategy which will meet the demand in terms of house numbers and fit with the compact townscape of the historic village, thereby conserving its setting.
3. Representees also seek the inclusion of sites previously consulted on, particularly allocation of land west of the Manse (H4, C6) from Main Issues Report for housing and amendment of the settlement development area boundary to enclose these areas and the Manse, Rosenberg, Greenwood and Urquhart Court as well to the east, the Gaelic chapel and cemetery. The main reason for this is to seek further land for expansion and economic growth for the village and its tourist offer. It is also seen as an opportunity to provide a supply of land for self-build housing, noted as a traditional route to low cost housing in the highlands.
4. I appreciate the development of Sandilands is likely to be developer led and not afford opportunities for local self-build housing but such need is usually limited and met by the availability of infill plots and limited expansion within the development envelope of villages. There is no justification at this time for what would be a major expansion of the village westwards onto the escarpment solely with a view to meeting this limited demand. I note that the council accept that former sites H4 and C6 are probably the most logical place for future expansion of the village and they remain available for allocation in future local development plans.

5. Scottish Water have requested clarification of their role by way of an amendment to the text of the plan. The council accept this amendment and I see no reason to disagree.

CM1 Sandilands

6. The development of the site is already under active consideration to the extent that there is a development brief providing guidance and certainty for the development design. The Albyn Housing Association seeks expansion of the site to include Victoria Park. This would provide a much larger site allowing for the possibility of a greatly increased number of houses and the flexibility on delivery of the site sought by the developer. Victoria Park is however one of the few areas of open space in a very compact village. Whilst plan policy allows for the development of open space in certain circumstances it requires compensatory replacement open space. I agree with the council that this would be a major change in the development strategy for the village and not one which can lightly be taken at this stage of the process. All of CM1 and Victoria Park lie within the development area of Cromarty. Alteration of the protected open space allocation on Victoria Park would require extensive further consultation with the local community and in my view is not within the scope of this examination. Taking into consideration the broad acceptance by the community for the council's existing development strategy I consider that the plan should not be modified to expand site CM1 at this time.

CM3 Daffodils Fields

7. It is accepted by the council that the boundary of the site has been inaccurately drawn and that the property of representee (04022), Burnside Cottage, Miller Road should be excluded from the site. I see no reason to disagree.

8. It appears that the site was originally considered as a possible site for 4 houses. This was not pursued as the site is part of the historic foreshore onto the Cromarty Firth and is a key element in the setting of nearby listed buildings all within the Cromarty Conservation Area. Representee (04051), the landowner states that he intends to develop the site for a few houses, noting its inclusion within the development area of the village and that any technical constraints can be overcome. Taking into consideration the reduction of the site resulting from the exclusion of the private home noted above there is some logic to considering the land as an infill possibility within the development area of the village. I concur with the council however that in the context of the conservation area and the setting of an adjacent Category 'A' Listed Building the development of housing which adequately respected that setting and permitted public access to the foreshore would be problematic. That is best tested by consideration of a planning application rather than pre-empted by a local development plan allocation unless that allocation has a justification in meeting a proven need.

9. With respect to the need for allotments the Cromarty Allotment and Garden Society has requested this site for allotments if the land at CM2 Townlands Park is not available. There is no indication that land at CM2 will not be available. I note that the Cromarty Allotments and Garden Society's approach to the landowner of CM3, requesting additional allotment space was rejected some years ago. Apart from this evidence of need the only other evidence, available from representee (04019), is that there is not such a demand. Several representees take the view, one apparently shared by the council, that this is a unique opportunity to open up the foreshore with consequent advantage to the setting of the adjacent listed buildings and to public access for a seating area for public enjoyment. In the absence of a proven need for allotments and opposition from the

landowner I consider the allocation for allotments to be ineffective. It should be deleted from the plan.

10. The council note that if the allotments allocation is found to be inappropriate the land should be reallocated for open space. This is unlikely to be supported by the current landowner and in any case would represent a major shift in the development strategy for the village. Such a shift would need to be subject to further consultation and I consider it beyond the scope of this examination. There is also no proven need for an additional housing land supply beyond that allocated at CM1 Sandilands. I therefore see no reason to allocate CM3 for housing. The most appropriate course would be to leave the land unallocated, its future development to be determined by application of the appropriate development policies of the Highland-wide Local Development Plan.

Reporter's recommendations:

It is recommended that:

1. Paragraph 4.141 be replaced with, "The cumulative impact of all proposed development within the overall plan on shared treatment asset such as Assynt WTW makes it necessary for early engagement to take place between Developers and Scottish Water, to ensure any additional capacity demands in the asset can be delivered in line with development."
2. Site CM3 Daffodils Fields be deleted.

Issue 42	Culbokie	
Development plan reference:	(Para 4.142, Page 135)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Joyce Hendry (00235) Ferintosh Community Council (00284) Culbokie Development Group (00446) Anthea Whitehead (00679) William Gray Construction Ltd (01071) Shirley Fraser (03934) Simon Fraser (03946)	David Kennedy (04016) Eric McCallum (04101) Martin and Ruth Mackenzie (04113) Resolis & Urquhart Church of Scotland (04187) Angus Bethune (04224) Grigor Hannan (04246)	
Provision of the development plan to which the issue relates:	Culbokie	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Miscellaneous</i></p> <p>Ferintosh Community Council (00284) - Ferintosh Community Council support the uses identified for CU4, CU5 and CU6 but request that there is a support and priority to any plans for community/business/office development that come forward with resident support (due to imbalance between housing and community/commercial facilities).</p> <p><i>Extension to the Settlement Development Area (SDA)</i></p> <p>Eric McCallum (04101) - Seeks extension of the SDA boundary to include 2 existing sites and a proposed 3rd site East of Woodholme next to the playing fields (as shown on attached plan) [04101 CU General/1, Plan of site] for the following reasons: it lies within the 30mph speed limit; it lies within an existing Ross and Cromarty East allocation for 3 houses [CD3, Map booklet page 60 and written statement page 61] and its exclusion is at odds with Scottish Planning Policy regarding provision of confidence and stability for a partially developed site; there are existing pavements and street lighting; it fronts onto the main street, is close to the centre, and close to the school and hall; land at the west end of the village is included whilst it has no street lighting or pavements; there is adequate space to maintain 15 metres from the existing trees and there are examples of houses developed close to existing trees (photos submitted) [04101 CU General/2, Photos of houses developed close to existing trees]; and a significant part of the site lies within the solum of the old public roadway so it is not part of the woodland open space.</p> <p><i>Settlement Housing Requirements and Phasing</i></p> <p>Culbokie Development Group (00446), Ferintosh Community Council (00284) - Ferintosh</p>		

Community Council content with 130 homes being planned over the next 20 years helping support village assets (with school rolls declining), and support the tightening of the boundary in some places whilst they and Culbokie Development Group also support the rejection of sites outwith the settlement boundary as this restrains growth to manageable levels.

Open Space

Culbokie Development Group (00446), Ferintosh Community Council (00284) - Open Space: Culbokie Development Group and Ferintosh Community Council request that the following areas are shown as amenity green space: the land next to the burn in the centre of the village which could provide a path link from the village into Culbokie woodlands; land north of CU3 which helps secure the planting to meet paragraph 4.144 to define the approaches with structural planting; extend boundary at the south end of village for a amenity area to be shown for structural planting; and the area north of CU6.

New Sites Not Previously Consulted on:

Martin and Ruth Mackenzie (04113) - Seeks inclusion of land south of Woodholm croft for housing and community uses for the following reasons: it is poor and unused agricultural land; it has access from east and within Woodholm croft; the school adjoins its eastern boundary and a school extension and future expansion would likely require this land; and if requested further information can be provided.

New Sites Previously Consulted on:

H7 from the Main Issues Report (MIR)

Grigor Hannan (04246) - Seeks inclusion of land to the south of the SDA [04246 CU General/2, Site Plan] for longer term mixed use expansion of the village for the following reasons: access from Carn Mor and adjacent services; concentrate village amenity: play space, shops; its exclusion limits long term housing and sustainability of local services; no significant flood risk, partially included within the Ross and Cromarty East (RACE) Local Plan [CD3 Map booklet, Page 60]; logical extension; no significant farmland loss; affordable, sheltered housing, and open space contribution; on bus route and bus stop proposed at periphery of site; is within active travel range from local amenities; significant screening can limit impact on properties to the north; and the community council preference for RACE local plan allocation to become amenity space is unsuitable due to its peripheral location.

CU1 South of Village Store

David Kennedy (04016), Anthea Whitehead (00679) - The separate development interests of both the north and south sites seek these sites to be shown as separate allocations since they are not in the same ownership nor do they share access arrangements.

The development interest in the northern part of this site also seeks removal of the phasing requirement considering this: difficult for the Council enforce; inappropriate because the allocation is in separate ownerships; and considers this to be more appropriately dealt with through a planning application for the approval of matters specified in conditions noting that one of the conditions includes requirement for "A comprehensive phased plan of roads and services completion as well as house building-

phased intentions.”

CU2 North of Carn Mor Dun

Joyce Hendry (00235) - The development interest seeks amendment of the site boundary to exclude land with permission or developed and to modify the site capacity from 4 to 7 [00235 CU CU2/1. Site Plan] for the following reasons: there is space for 7 homes whilst allowing for setback from the woodland; 7 homes on a 1.2 hectares site is still very low density for edge of settlement; capacity of other allocations in Culbokie have increased from the existing Ross and Cromarty East (RACE) Local Plan.

It is considered that the new access road requirement can be fulfilled by the planning permission granted for provision of new access and house plot and provision of footpath ([12/027770/FUL](http://wam.highland.gov.uk/wam/)) [http://wam.highland.gov.uk/wam/]. The proposed road and path works meet the Road Authority requirements and a Road Construction Consent application has been recently submitted (the road engineering layout is provided) and this will provide capacity for further development.

The requirement for setback from the woodland can be met with a 20 metre holdback whilst still retaining sufficient room (24 metres) to site a house on a plot without encroaching on residential amenity (supported by a draft layout plot plan) [00235 CU CU2/2, Site Layout].

Clarification is sought as to why a flood risk assessment is required since no part of the site is within a SEPA 1 in 200 year flood risk area.

William Gray Construction Ltd (01071) - Seeks removal of this allocation and the corresponding amendment of the Settlement Development Area boundary for the following reasons: it is more remote from the village centre than other allocations; is inefficient use of land; is constrained as recognised by the Council in its MIR); has an unsafe access with no footway or lighting and flood risk issue; they have no confidence in infrastructure matters being addressed based on past experience of this developer; and with the other allocations consider this site unnecessary.

CU4 South of Village Store

Culbokie Development Group (00446) - Support the allocation of this site for Community and Retail, and Business and Office with this site prioritised for a community partnership project to develop a larger shop and additional community facilities.

Anthea Whitehead (00679) - The landowner supports this allocation for community use in accordance with the planning permission 10/03456/FUL.

CU6 North of Schoolcroft

Shirley Fraser (03934) - Seeks removal of this allocation as the northern part already has planning permission and has been split into serviced plots and the southern part is considered inappropriate as it is used for agriculture and would represent over provision, and over development.

Culbokie Development Group (00446), Angus Bethune (04224) - Support for this allocation and the flexibility provided for potential uses whilst the development interest of

the southern part of the site considers it to best suited for housing development and seeks clarification regarding the comment that it is suitable for Business, Retail, Office and Community uses.

CU7 East of Old Primary School

Shirley Fraser (03934), Resolis & Urquhart Church of Scotland (04187), Simon Fraser (03946), Ferintosh Community Council (00284), Culbokie Development Group (00446) - Respondents object to the inclusion of housing as a suitable use for this site, citing one or some of the following reasons: concern over the Council's Estates Department disposal of this site to Cairn Housing Association prior to establishing whether it was suitable for business use; history of a failed appeal to Scottish Government on this site; local opposition; no need for affordable housing/overprovision; another affordable housing site in the village at Ravenscroft still has empty properties; concern about the clustering of affordable housing at this end of village; sufficient housing allocations elsewhere in village and appropriate affordable housing contribution can be secured on these; suggestion that the site should be used for community use or sheltered housing; the density is too high and is not in keeping with the surrounding area contrary to Structure Plan policy G2; the 6 month marketing period is considered too short for community and commercial interest particularly in the present economic climate; the Culbokie Development Group has expressed their interest in the site for community development but need time to bring forward a proposal; drainage and local road network issues; and impact on residential amenity including privacy.

Modifications sought by those submitting representations:

General

Miscellaneous

Ferintosh Community Council (00284) - Ferintosh Community Council seek a general statement of support and priority for community business/office development that comes forward within the C4, 5 and 6 sites with resident support. (assumed)

Extension to the Settlement Development Area (SDA)

Eric McCallum (04101) - Seeks extension to the SDA (east of Woodholme and south of Mount Eagle Court) as shown on the attached plan.

Settlement Housing Requirements and Phasing

Culbokie Development Group (00446), Ferintosh Community Council (00284) - Ferintosh Community Council content with 130 homes being planned over the next 20 years helping support village assets, and support the tightening of the boundary in some places whilst they and Culbokie Development Group also support the rejection of sites outwith the settlement boundary.

Open Space

Culbokie Development Group (00446), Ferintosh Community Council (00284) - Culbokie Development Group and Ferintosh Community Council request that the following areas

are shown as amenity green space: the land next to the burn in the centre of the village which could provide a path link from the village into Culbokie woodlands; land north of CU3; to extend boundary at the south end of village for a amenity area to be shown for structural planting; and the area north of CU6.

New Sites Not Previously Consulted on:

Martin & Ruth Mackenzie (04113) - Seeks inclusion of land south of Woodholm croft for housing and community uses.

New Sites Previously Consulted on:

H7 from the MIR

Grigor Hannan (04246) - Seeks inclusion of land to the south of the SDA for longer term mixed use expansion of the village.

CU1 South of Village Store

David Kennedy (04016), Anthea Whitehead (00679) - Both seek separate allocations for the north and south site and in the case of the development interest for the north site they also seek deletion of the condition for phasing.

CU2 North of Carn Mor Dun

William Gray Construction Ltd (01071) - Seeks removal of this allocation and the corresponding amendment of the Settlement Development Area boundary.

Joyce Hendry (00235) - The development interest seeks: amendment of the site boundary to exclude land with permission or developed; modification of the site capacity from 4 to 7; and clarification over why a flood risk assessment is required.

CU4 South of Village Store

Culbokie Development Group (00446), Anthea Whitehead (00679) - Seeks modification to restrict the uses to community and special uses (assumed).

CU6 North of Schoolcroft

Shirley Fraser (03934) - Seeks removal of this allocation.

Culbokie Development Group (00446), Angus Bethune (04224) - Support for this allocation and the flexibility provided for potential uses whilst the development interest of the southern part of the site considers it to best suited for housing development and seeks clarification regarding the comment that it is suitable for Business, Retail, Office and Community uses.

CU7 East of Old Primary School

Shirley Fraser (03934), Resolis & Urquhart Church of Scotland (04187), Simon Fraser (03946), Ferintosh Community Council (00284), Culbokie Development Group (00446) - Respondents seek one or more of the following: exclusion of housing from the uses;

Ferintosh Community Council seek the following developer requirement 'Community use delivered as part of any scheme; however, if a viable community project does not come forward after three years of resident involvement, then it can revert to business/retail until reassessment at the next planning cycle; whilst Culbokie Development Group request 3 years marketing of this site.'

Summary of responses (including reasons) by planning authority:

General

Miscellaneous

Ferintosh Community Council (00284) - The Council has recognised the potential for mixed use development on CU4, CU5, CU6, and CU7 with a reservation for non housing uses on CU7 subject to marketing for at least 6 months, and for non housing uses on CU4 in perpetuity [CD6, pages 136-138]. This means there is a specific allocation for Community, Retail, Business and Office providing an opportunity which is restricted to these uses, and there are also opportunities on CU5, CU6, CU7. This is an appropriate level of reassurance for non housing uses whilst allowing the market to determine the level it can support.

Extension to the Settlement Development Area (SDA)

Eric McCallum (04101) - The proposed extension of the Settlement Development Area at Woodholme next to the playing field is resisted. The point of extending this boundary would be to encourage further development in this area, and there is only one possible house plot remaining the other two having already been developed. The remaining potential house plot is however not encouraged. A planning application ([09/00630/FULRC](#)) for a house on this plot was refused in 2012 in support of an objection from the Council's Forestry officer [THC CU General/1, Planning Officers report for refusal]. Unfortunately this plot is constrained in size when compared to the two adjacent houses, as the landowner had no control over the woodland to the rear and the nearest trees were only 7.5 metres away from the proposed house. Also by contrast the trees directly behind the two houses to the north may not be retained whereas the trees behind this site were identified for retention in the Ross and Cromarty East Local Plan [CD3, map booklet page 60] and these trees will therefore remain. This application was not considered compliant with the Highland-wide Local Development Plan or Interim Supplementary planning Guidance on Trees, Woodlands and Development as the number of semi mature Scots Pine are an important amenity feature and recreational resource and there is a well used pedestrian route behind the plot. Since the holdback distance that is achievable on this plot is inadequate it is considered that there would be pressure to remove these trees for safety and nuisance reasons (noting that there has been recent wind damage to two trees to the immediate rear of the plot) should a house be built here. Since there is no opportunity to relocated a house on this plot further away (to the minimum distance of 15 metres which would be required) the Council support the continued exclusion of this land from the Settlement Development Area for Culbokie.

Settlement Housing Requirements and Phasing,

Culbokie Development Group (00446), Ferintosh Community Council (00284) - Noted and supported through the Council's position to resist further allocation of land to the south of

Culbokie (non preferred H7 from the MIR) [CD5, Culbokie H7, Pages 72-73], and community and housing allocation east of Woodholme, and to resist extension to the Settlement Development Area east of Woodholme.

Open Space,

Culbokie Development Group (00446), Ferintosh Community Council (00284) - It is agreed that the Council should have shown the following areas as open space: existing areas of important greenspace adjacent to the burn due to its amenity value; and north of CU6 to reflect the planning permission that requires Sustainable Urban Drainage Systems within this area; also proposed structural planting areas - north of CU3 and south of the Settlement Development Area to help define the requirements that are already identified in the Plan text in paragraph 4.144 [CD6, Paragraph 4.144, Page 135]. Accordingly the Council would support these changes should the Reporter wish to recommend them.

New Sites Not Previously Consulted on

Martin & Ruth Mackenzie (04113) - The suggested site may have some planning merit but have been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time.

There is merit in considering this site in the future when reviewing the Local Development plan. However the housing and community sites allocated are considered to be the most suitable in the village based on a range of criteria. The scale of development currently supported in Culbokie is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 130 new homes being identified for the period 2011-31. Furthermore there is substantial spare capacity in the primary school and the projections are for a decreasing school roll over this period indicating that there is no requirement for expansion of the school beyond the current site. Therefore the Council believes this site should continue to be excluded from the Plan.

New Sites Previously Consulted on

H7 from the MIR

Grigor Hannan (04246) - The H7 site was a non preferred site consulted on through the MIR of the Inner Moray Firth Local Development Plan. The scale of development currently supported in Culbokie is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 130 new homes being identified for the period 2011-31. The sites selected are considered to be the most suitable in the village based on a range of criteria. The aim of the settlement strategy is to consolidate the form of the village and define the village edge and this proposal does not

contribute towards this. Longer term consolidation of the village should be focussed to the east. Instead this site would elongate the settlement further to the south and its distance from services make it a less appropriate site for development. Accordingly the Council believes that this site should continue to be excluded from the Plan.

CU1 South of Village Store

David Kennedy (04016), Anthea Whitehead (00679) - It is recognised that it could be clearer if the two parts of CU1 were shown as separate allocations as the requirements for these are in any case given separately. The planning permission for the CU1 and CU4 site is due to lapse on the 19th of July 2014 [THC CU CU1, Decision Notice 11/00972/FUL] and therefore it is considered more appropriate for the phasing to be a requirement of the Plan. This approach also provides more detail on the levels to be secured. It was never intended that the phasing would be secured between the two landowners as the requirements are given separately for the southern part of the site and if the allocation is split then this will be made clearer. Accordingly the Council would support the separation of these sites should the Reporters wish to recommend it.

CU2 North of Carn Mor Dun,

00235, William Gray Construction Ltd (01071) - This site provides some flexibility and choice in the housing land supply being more suited to lower density larger plot housing. Whilst there are constraints to be overcome the requirements ensure that there is clarity over the need for a new access, and the need to provide sufficient setback from the woodland. Also to allow further development here the road and pathway requirements will need to be addressed to the satisfaction of the Road Authority.

The north eastern corner of the site did lie within the SEPA fluvial 1 in 200 year flood event risk that was available at the time the Proposed Plan was prepared. Therefore SEPA and the Council required a Flood Risk Assessment (FRA) based on the information available at the time. However the updated 15th January 2014 SEPA mapping no longer shows the site within the SEPA fluvial 1 in 200 year flood event risk and therefore the Council sought an updated response from SEPA. This SEPA response confirmed as the site slopes up and away from the water course and they hold no additional information to indicate that the site is at flood risk, a FRA is not necessary [THC CU CU2, SEPA response regarding flood risk]. Therefore the Council would support an amendment to remove the FRA requirement should the Reporters wish to recommend it.

CU4 South of Village Store

Culbokie Development Group (00446), Anthea Whitehead (00679) - For clarification the uses proposed here do not accord with the planning permission 10/03456/FUL [THC CU CU4, Decision notice for 10/03456/FUL] so the requirement text should additionally say (but extending the acceptable uses to those indicated above). The reason the Ross and Cromarty East Local Plan identified this site for special uses and community uses was to support the community's aspiration at that time for a new church. With this now established in a former school building there is an opportunity for a wider scope of uses to be supported here. In recognition that there is an aspiration for a relocated larger village shop and a need to ensure opportunity for non housing uses this site has been amended to be a Community and Retail, Business and Office to support proposals of this nature. Accordingly the Council believes that this allocation should be retained without modification.

CU6 North of Schoolcroft

Simon Fraser (03946), Resolis & Urquhart Church of Scotland (04187), Ferintosh Community Council (00284), Culbokie Development Group (00446), Shirley Fraser (03934), Culbokie Development Group (00446), Angus Bethune (04224) - In recognition that the joint landowner is not against this land being identified for community and/or mixed use in principle but is concerned about committing fully to what is at this stage a speculative use, this site has been identified as suitable for 22 homes and suitable for Business, Retail, Office and Community uses [CD6, CU6, Page 138]. There is no intention to restrict the site to any specific uses as there are other opportunities reserved (CU4) [CD6, CU4, Page 136] or with a degree of reservation (CU7 subject to at least 6 months marketing) [CD6, CU7, Page 138] for non housing uses. However identifying these non housing uses acknowledges the support for these non housing uses should they come forward.

This allocation is considered to be one of the most suitable in the village based on a range of criteria, including its fit with settlement pattern, proximity to village amenities, and absence of environmental constraints. Amenity impact on neighbouring properties is an important planning consideration and is acknowledged in the requirements for this site in terms of design, siting, and planting/landscaping along mutual boundaries. This land is not prime agricultural land and is land locked by existing development to the east and west and permitted development within the northern part of CU6 site [CD6, Culbokie Map, Page 137]. Therefore the loss of this small area of agricultural land is not considered to outweigh its potential benefits as part of the settlement strategy. Furthermore the scale of development currently supported in Culbokie is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 130 new homes being identified for the period 2011-31 and does not represent overdevelopment. Accordingly the Council believes the allocation should be retained without modification.

CU7 East of Old Primary School

Shirley Fraser (03934), Resolis & Urquhart Church of Scotland (04187), Simon Fraser (03946), Ferintosh Community Council (00284), Culbokie Development Group (00446) - There was a planning appeal refused ([PPA-270-2054](#)) for six flats on this site but it was refused on design grounds rather than on principle of its use for affordable housing. This appeal decision takes account of the fact that it was identified for business use in the Ross and Cromarty East Local Plan. Whilst the policies of the Structure Plan that this appeal decision refers to are no longer part of the Development Plan it is considered that the reasons to support affordable housing on this site remain. These reasons are: "in the absence of a business use being submitted and because of a pressing requirement for affordable housing" and because it "supports a variety of house types". There is also a new reason to support affordable housing uses on this site as with CU4 [CD6, CU4, Page 136] no longer restricted to just community and special uses there is another opportunity for business, retail, office development in the village.

However the Plan seeks to ensure that if there is any demand for business/retail use then this should be delivered as part of the scheme. The requirement states "Business/retail delivered as part of any scheme; however if the business and retail uses cannot be delivered (evidenced by at least 6 months marketing) then this site can be developed solely for housing." This is considered to be an appropriate approach given the demand for affordable housing, the opportunity for retail/business on other sites, and the land

reserved for either community, retail, business and office on CU4. Whilst determining the appropriate period for marketing is a delicate balance the Council believes this allocation should be retained without modification.

Reporter's conclusions:

General

Miscellaneous

Ferintosh Community Council (00284)

1. This representation is a general comment about the balance between housing and commercial/business uses, arising from what is seen as an imbalance between the two sides. Sites CU4 and CU6 have benefited from planning permissions that define the developments. While not yet having planning permission sites CU5 and CU7 have the site requirements clearly spelt out in the proposed plan. No modification is needed.

Extension to the Settlement Development Area (SDA)

Eric McCallum (04101)

2. This representation is effectively to include within the settlement development area a site for which planning permission for a single house has already been refused. The explanation for this is explained above by the council, and concerns the small scale of the site and its proximity to woodland. No persuasive arguments have been put forward to suggest that this decision was incorrect, and no modification is needed.

Settlement Housing Requirements and Phasing

Culbokie Development Group (00446), Ferintosh Community Council (00284)

3. These representations support the overall proposals for Culbokie and do not request a specific modification.

Open Space

Culbokie Development Group (00446), Ferintosh Community Council (00284)

4. This proposal relates to areas of open but undesignated land in various parts of the village. The council accepts that these areas comprise important greenspace that should have been shown as open space on the settlement plan.

5. The areas comprise, with reasons:

- existing areas of important greenspace adjacent to the burn due to its amenity value;
- land north of CU6 to reflect the planning permission that requires Sustainable Urban Drainage Systems within this area;
- proposed structural planting areas - north of CU3 and south of the Settlement Development Area to help define the requirements that are already identified in the Plan text in paragraph 4.144.

6. From my site inspection I agree with this reasoning and the plan should be modified accordingly.

New Sites Not Previously Consulted on

Martin & Ruth Mackenzie (04113)

7. The council does not reject the use of this site, Woodholm Croft north-east of the school, at some time in the future but notes it was not brought forward during the calls for sites and responses to the main issues report. Also the housing allocation for the village of 130 homes is based on the Highland – wide Local Development Plan requirement and no justification has been provided for any increase in this.

8. As the council has noted the site could be brought forward during the next call for sites when the succeeding plan is being prepared, in two to three years' time. As there is no justification for increasing the housing allocation now this is a sensible suggestion and no modification is needed.

New Sites Previously Consulted on

H7 from the Main Issues Report

Grigor Hannan (04246)

9. This site, at the south end of the village is partially within the settlement boundary on land to be designated as open space following my modification set out in paragraph 5 above. I note that it was carefully considered by the council at the time of the main issues report and rejected. This is partly because other preferred sites provided the necessary number of houses in the village – some 130 sites – but also because it would extend the settlement to the south, away from services and in a manner that would not consolidate the settlement form.

10. Regarding the latter point Culbokie is already an elongated settlement that does not lend itself to a cohesive entity. Although recent development at the southern end of the village has addressed this to a limited extent an extension of the settlement further to the south, outwith the current settlement development area, would merely serve to exaggerate the imbalance. In addition, in my findings above I have accepted the need for open space within the southern part of the settlement development area for the structural planting referred to specifically in paragraph 4.144 of the proposed plan. This paragraph also refers to the need to consolidate the form of the village.

11. Taking all these points into account I find no justification for including a site that is contrary to the requirements for the settlement already set out in the plan, and that was rejected at the stage of the main issues report for sound planning reasons.

CU1 South of Village Store

David Kennedy (04016), Anthea Whitehead (00679)

12. Although designated under the same site number the two parts of this site are effectively separate, touching only at one corner of their respective land areas. While the northern part occupies an important location near the village store, the southern one us

cut off from this with its own access through a residential part of the village to which it relates geographically.

13. They are in separate ownership, and because of their effective physical separation would have to be developed independently. For all these reasons their designation as two sites is fully justified.

14. With regard to phasing it is common practice for development plans to give an indication as to the order in which land should be developed. I note that the planning permission for the northern part of the site, together with the adjoining site CU5 lapsed in July 2014. I have no indication that it has been renewed or a successor permission applied for. In these circumstances it is appropriate for the plan to give an indication of phasing requirements and no modification is needed.

CU2 North of Carn Mor Dun,

Joyce Hendry (00235), William Gray Construction Ltd (01071)

15. The proposed four houses on site CU2 are not significant within the overall figure of 130 houses for the village. I note that issues such as safe footways would be taken into account at the time of a planning application. The performance of a developer is not a matter that affects my consideration. I find no justification for the removal of the site from the proposed plan.

16. I note that the Scottish Environment Protection Agency has confirmed the site is not now at risk of flooding. The requirement for a flood risk assessment can therefore be deleted.

17. The figure of four houses on the site is indicative and a higher number could potentially be allowed if this can properly be justified at the time of a planning application. A potential layout marked 'discussion only' is included with the representations and indicates how seven plots could be provided on the site. Taking into account the need for a 20 metre separation from the adjacent woodland the layout illustrates some of the issues that may be encountered in laying out the plots, and access road. Such detail is not however a matter for the development plan, but would be for the council to consider at the time of a specific planning application.

18. I have no difficulty with the land that has planning permission being included within the designated site, nor the existing house. Were the development for non-residential uses there may have been an argument for its exclusion, but this is not the case here. No modification is needed.

CU4 South of Village Store

Culbokie Development Group (00446), Anthea Whitehead (00679)

19. These representations are effectively in support of the site allocation and no modification is needed.

CU6 North of Schoolcroft

Simon Fraser (03946), Resolis & Urquhart Church of Scotland (04187), Ferintosh Community Council (00284), Culbokie Development Group (00446), Shirley Fraser (03934), Culbokie Development Group (00446), Angus Bethune (04224)

20. This site of 1.7 hectares lies within a developed area of the northern part of the village, close to the primary school and village hall. It is irregular in shape and part of this site benefits from planning permission for serviced plots. This would utilise adjacent ground to the north-west as part of its drainage scheme, already referred to above in paragraph 5.

21. From my site inspection I find its designation for mixed uses, close to existing public facilities, to be appropriate. The proposed plan sets out comprehensive development requirements and these will ensure existing residential amenity will be safeguarded. There is no justification for the removal of any part of the site, and no modification is needed.

CU7 East of Old Primary School

Shirley Fraser (03934), Resolis & Urquhart Church of Scotland (04187), Simon Fraser (03946), Ferintosh Community Council (00284), Culbokie Development Group (00446)

22. This small, 0.1 hectare, site is located on the northern side of the main road at the north end of the village. The immediate surrounding land uses are primarily residential. One strand of the representation arguments appears to be against the use of the site for affordable housing, as opposed to housing outright, as there is some support for sheltered units. I note the former appeal concerned the development of flats, but that was dismissed on design grounds, not on the principle of housing on the site.

23. There is strong support for business or community use, but there are no strong planning reasons put forward as to why this is preferable for housing. However the site requirements allow this use, unless it can be demonstrated there is no demand for the site, the criterion being evidence of six months of marketing as a business/community site. Criticisms of the way in which the council sold the site to a housing association are not relevant to my consideration.

24. I consider that the site's identification in the plan as being suitable for housing, community, business or retail use to be appropriate. I understand the council's wish to move forward, and hence the qualification to demonstrate there is no demand for community or commercial uses. In the present commercial climate I accept the views put forward by representees that six months may not be long enough to attract a commercial or community buyer, and that one year would be more appropriate. Equally that should be sufficient time to demonstrate whether a suitable community scheme is able to be brought forward.

25. The site designation and requirements should therefore remain unaltered, other than that, on balance, the period for marketing the property should be extended to one year.

Reporter's recommendations:

It is recommended that:

1. On the Culbokie settlement plan the following areas of land be allocated as open space:
 - the existing areas of important greenspace adjacent to the burn between CU5 and the existing open space allocation to the north;
 - land between site CU6 and the Settlement Development Area boundary;
 - land between CU3 and the Settlement Development Area boundary; and
 - land between Carn Mor and the Settlement Development Area boundary.
2. The southern part of site CU1 be renumbered as an independent site CU8, and consequential changes made to the areas, capacities and requirements for the two sites.
3. Under the requirements for site CU2 the words: 'Flood Risk Assessment' be deleted.
4. Under the requirements for site CU7 the words: '6 months' be deleted and replaced with "one year".

Issue 43	Evanton	
Development plan reference:	(Para 4.147, Page 138)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Albyn Housing Society Ltd (00419) Sheila Fletcher (00881) Hector Munro (01041) Jim Hutton (01353) Brindley Consulting (03122) Allan Moore (Drummond) Ltd (03864) Karen Anderson (03944) Julie Ransome (03961)	Thomas McIntyre (03971) Stanley Munro (03978) Alan Farmer (04018) Ulrich Herbst (04146) Mary Applegate (04250) Angus Craik (04257) Douglas McFee (04321) Woodland Trust (04364) David Thomson (04382)	
Provision of the development plan to which the issue relates:	Evanton	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Angus Craik (04257) - Consolidation of settlement should be restricted to this and not a massive increase in population which is neither feasible nor necessary in the time span of the Plan.</p> <p>Angus Craik (04257) - Wants amendment to paragraph 4.150 [CD6, Para 1.150, Page 139] to give upgrades to road network greater priority because: it is an immediate priority; would provide access to valuable area of Teandallon, linking to Swordale Road which would alleviate congestion and road safety issues; demand for rail is not as high as road; road transport is needed to reach potential train station and at passenger destination and parking at any new station would be a problem.</p> <p>Scottish Water (00396) -Wants to be made clear that relevant Scottish Water infrastructure has existing capacity and that a cumulative effect over time may require investment but does not present an issue currently.</p> <p><i>New Sites Previously Consulted On</i></p> <p>Hector Munro (01041) - Wishes allocation of site area as per site reference 6 South East of Evanton Bridge in the Ross and Cromarty East Local Plan [CD3, Site Reference 6, South east of Evanton Bridge, Page 69 and CD3, Site Reference 6, Evanton Inset Map] because: allocated in previous development plans; included in current plans Main Issues Report (MIR), [01041/EV General/1] no justifiable explanation for 'deallocation' has been provided; accept part of the site is subject to flood risk, however detailed flood risk assessment needs to be undertaken to confirm true extent, likely allocation of 24 units</p>		

could be delivered on parts of site not subject to flood risk given low density; to allow the attractive rural settlement to thrive and develop in a sustainable way; readily available for development; had outline planning permission in the past (site layout plan for 35 plots supplied [01041/EV General/2]); only reason for not enacting planning permission was onset of recession; adjacent to main approach to settlement from the south, therefore provision of road infrastructure straightforward; close proximity to primary school and village centre; although site is prime agricultural land exception can be made because it forms essential part of the settlement strategy as it is allocated in the current local plan, therefore is consistent with Scottish Planning Policy; other sites containing prime agricultural land have been allocated, in particular EV1 and EV2 and there are no insurmountable physical or infrastructure constraints.

Asserts that site is preferential to EV1 because there are significant issues associated with delivering EV1 in particular: land in sitting agricultural tenancy; cost of bridge link; the development must be linked to land at Drummond Farm, the freehold of which is owned and controlled by the family of the tenant at Teandallon; infrastructure already overloaded by development on Swordale Road; Council owned land for 30 years and failed to develop it, unlikely to now do so and limits housing expansion to one site and to high density at EV2, will place planning blight on all development to south and west of settlement. Also assert that EV3 is unlikely to be viable because only 15 units are supported and land is required for access, green space and amenity areas, and for possible future expansion of the school.

Wishes extension of site reference 6 South East of Evanton Bridge in the Ross and Cromarty East Local Plan to include fields around Sunfield house (Alternative Sites and Land Use Consultation site reference NS113 [THC EV General/1]) because: opens up far greater opportunities for improved road access and layout; more balanced expansion of Evanton as currently development is only supported in the east; nature of topography and field size means it is unsuitable for modern agriculture and combined with MIR site H4 would allow for innovative planning and landscape design; can be successfully integrated into surrounding landscape as well contained by the elevated railway line and screened from most distant views from south and south east; no flood risk issues; comparatively close to village centre and primary school; loss of prime agricultural land less significant than EV1 and EV2 because those sites are larger and of higher agricultural value - site is tied and limited to permanent pasture land which does not have any more valuable cropping or growing potential; drainage is a 'standard' requirement of all developments that could be implemented at a reasonable cost; would make meaningful contribution to short term housing land requirement and is free from constraints unlike the Evanton allocations that are supported in the Proposed Plan.

EV1 Teandallon East and EV3 Drummond Farm

Angus Craik (04257) - Wishes uses to be amended to include redevelopment of school and facilities on EV3 and EV1. Considers that if developer is prepared to extrapolate some of the area to accommodate the expansion of the school, associated parking, recreational area and suitable safe access, then they could earn the right to the additional planning gain on the remainder of the development.

EV1 Teandallon East

Angus Craik (04257) - Asserts that consideration must be given for developer of Teandallon to commit to invest in infrastructure in particular increasing capacity of school

and improving current traffic flow/parking to prevent this becoming a burden on the Council. Understood that lease of land to Drummond Farm was unbreakable, however this is obviously incorrect. Must break lease to allow value to be realised in monetary terms and benefits for community and Council. Considers that approval of other sites in the area would prove detrimental to the future value of Teandallon land and it is essential that this asset be exploited to the maximum before allowing gain elsewhere.

Thomas McIntyre (03971) - Wants amendment to boundary to exclude 0.23 acre site next to Tigh An Dallon because this land is registered to this representor.

Thomas McIntyre (03971) - Objects to development close to Tigh An Dallon House because: only private residence next to EV1; disrupt daily lives; loss of private view; access problems on Swordale Road and too many homes in location.

Angus Craik (04257) - Supports because: central location that would promote active travel to amenities unlike peripheral expansion areas that necessitate car use and result in increased congestion and would allow traffic to be more widely dispersed reducing driver frustration and road safety.

Believes capacity should be increased to 210 homes because: increased economic viability, in particular the delivery of comprehensive infrastructure improvements; close proximity to primary school and safe footpath access to village shop.

Albyn Housing Society Ltd (00419) - Allow modest development accessed from Thomas McIver Street because a small development of amenity housing would be appropriate to complement the provision in the area.

Angus Craik (04257) - Asserts allocation should note that development will lead to improvement of road infrastructure because it will link Swordale Road to the main through road reducing traffic in village centre and associated pedestrian and cyclist road safety issues.

EV2 Culcairn

Stanley Munro, David Thomson, Douglas McFee, Angus Craik, Alan Farmer (03978, 04382, 04321, 04257, 04018) - Object for one or more of the following reasons: excessive amount of land allocated in settlement, not sufficient employment opportunities in the area or demand for mixed work units; industrial and mixed use is proposed at nearby EV5; inadequate primary school capacity without significant expansion; parking and road safety at primary school would be exacerbated; limited services and facilities within village; loss of productive farm land; increased risk of surface water run off flooding existing properties which have flooded in the past; landscape impact, particularly Fyrish Hill and woodland; alternative locations are more central and suitable for development, in particular Western Teandallon which is already allocated and does appear to be used for housing in the short or medium term, is closer to the primary school and better from a road safety point of view; lack of public consultation and consideration of issues raised by landowner and Council; limited public transport availability; increased congestion, particularly at A9 junction on southern approach to Evanton where a roundabout would be required; compromise road safety; increased pressure on moderate parking facilities in village, particularly at the primary school; slower broadband speeds for existing residents; adverse effect on the residential amenity of neighbours by reason of noise, disturbance, loss of privacy, being overlooked etc. and overbearing and out of character with local area. Questions if

developer would be willing to pay for additional infrastructure to support development. Also questions capacity of site which originally was to be 195, then reduced to 85 and is now 160.

Wants more accurate map representing current roads, lanes and pathways in Evanton because current map disproportionately represents width of small lane from Station Road to Culcairn Cottage, this may give readers false impression that this is a suitable site access. Rough track is bordered by a burn which frequently overflows and the other side of the road is shown hard against the houses known as Burnside and Fyrish. Questions if their gardens are going to be subject to a compulsory purchase order to placate the owner of Novar Estate.

Jim Hutton (01353) - Supports principle of development if site is appropriately designed and provides mixed housing with sensitive commercial use.

Albyn Housing Society Ltd (00419) - Supports because site provides range of opportunities. Asserts that encouragement should be given to bring it forward.

Mary Applegate (04250) - Wishes the following additional requirements: safe pedestrian and cycle routes to local amenities, including primary school because existing routes will become more dangerous when there is additional traffic; sympathetic planting to preserve rural amenity of Glenglass Road and sympathetic to Evanton's unique rural environment.

Asserts that map should be corrected to include accurate position of burn and the implications of future flood risk at location where flooding has occurred in the past.

Douglas McFee (04321) - Wishes EV1 to take priority for development because: site is owned by The Highland Council; is already integrated with the community and is closer to existing facilities and schools. Asserts that combination of development sites in Evanton will result in a population increase of over 1000 people resulting in massive impact on village, particularly its east end; no history of planning permission on EV2 when house was purchased; loss of private rural views; nearby residents are village/rural orientated people of mature age therefore intrusion to Glenglass Road residents should be negated; development will change life.

Angus Craik (04257)

Wishes acknowledgement that allocation of site would reduce viability and development interest in EV1 due to limited demand resulting in loss of value and return; EV1 should be priority for development because it is owned by The Highland Council and has previously been considered for development.

EV3 Drummond Farm

Sheila Fletcher (00881) - Wishes amendments to requirements to allow houses to be built on higher area of site and allow amenity and expansion of school on lower area because: easier for sewerage connection to be taken from top of site in a line adjacent to main road connecting with existing main sewer at Drummond Arms; houses adjacent to main road would allow 30mph speed limit to be extended which would improve safety for children walking to school and would not impact private view.

Allan Moore (Drummond) Ltd (03864) - Wishes deletion of requirement for site to be linked by a joint masterplan with EV1 and any timing restriction on delivery of site linked to

provision of bridge crossing to access EV1 because: sites are physically separated from each other by some distance; nature and form of developments are distinctly different; scale of development of EV1 requires masterplan whereas EV3 is significantly smaller and of less strategic importance; delivery of EV3 is not dependent upon construction of bridge therefore unreasonable to require this as it is not a direct consequence of development or related in scale and kind to the development and site cannot physically accommodate all requirements.

Asserts that sponsor of EV3 is willing to make land available to assist detailed design of the bridge and other community upgrades as reasonably expected to contribute towards on understanding that EV3 is not dependent upon any of the major road infrastructure upgrades that will be required in order to allow for the development of the EV1, in particular the bridge crossing.

Hector Munro (01041) - Wishes some restrictions placed on EV3 to be lifted to allow site to be realistically considered for medium to low density housing by potential developers.

EV4 Airfield Road

Julie Ransome (03961) - Objects because: negative impact on adjacent holiday chalet business that has been developed over a number of years due to loss of attractive rural views; increased noise nuisance from road and nearby services/industrial estate and proposal would compromise retirement plans and devalue land and property.

EV5 Highland Deephaven

Karen Anderson (03944) - Wishes 'buffer' area between development and 14 nearby residential dwellings to maintain amenity at construction and operational stages, in particular outside normal office hours.

Asserts that significant investment in infrastructure will be required first as there is presently no mains sewerage, low water pressure, no mains gas, poor road provision. Questions if upgrades to infrastructure will be of any benefit to householders.

Brindley Consulting (03122) - Wishes reference to other strategic employment sites in Ross-shire in Strategic Employment Sites Section of Proposed Plan, in particular Highland Deephaven because: existing Strategic Employment Sites Section of Proposed Plan focuses on three specific sites and makes limited reference to other strategic employment sites; not appropriate/logical for Highland Deephaven to be within 'local centre' section of the Proposed Plan, particularly because it is a key document in promoting the Inner Moray Firth area, Highland Deephaven likely to be missed by investors in current section.

Ulrich Herbst (04146) - Asserts that area of site has been reduced from 176 hectares in the Inner Moray Firth Ports and Sites 2005 to 147.1 in Proposed Plan, questions if this reduced area will further limit viability of the development because the Ports and Sites document stated the site already had limited competitive advantage reducing project fundability; planning permission 02/00903/FULRC has lapsed and cost in 2005 was estimated at £6 million.

Woodland Trust (04364) - Supports protection of ancient woodland trees on bank of Allt Graad but requests that a suitable set back is also required because: ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource that

should be protected; woodlands and trees offer multiple benefits to the environment and for recreation; cumulative impact of woodland removal, and fragmentation of habitat; Scottish Government and Highland Council have a policy presumption in favour of protecting woodland and recognise it as being of regional or national importance dependent on category; development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. Seeks clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Further explained in supporting letter [04364/EV5/1].

Angus Craik (04257) - Wishes acknowledgement that rail link to site is currently unfeasible and alternative use as a drop off station is inappropriate for the community because: insurmountable technical problems; site changes now preclude access and link up; permissions have expired and fresh approach is required. Asserts that jetty extension may happen.

Sheila Fletcher (00881) - Reduce area to preserve the woodland and marshy area adjacent to River Skiach because: very valuable habitat; adjoining area of scrubland and trees forms part of the natural habitat and is a nesting area for birds; lead to loss of valuable species, in particular kingfisher.

EV6 Evanton Industrial Estate

Woodland Trust (04364) - Wants set back from ancient woodland trees on north east and north west boundaries to be assessed in this context because: ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource that should be protected; woodlands and trees offer multiple benefits to the environment and for recreation; cumulative impact of woodland removal, and fragmentation of habitat; Scottish Government and Highland Council have a policy presumption in favour of protecting woodland and recognise it as being of regional or national importance dependent on category; development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. Seeks clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Further explained in supporting letter [04364/EV5/1].

Modifications sought by those submitting representations:

General

Angus Craik (04257) - Only allow consolidation of settlement.

Angus Craik (04257) - Amendment to paragraph 4.150 to give upgrades to road network greater priority.

Angus Craik (04257) - More accurate map representing current roads, lanes and pathways in Evanton.

Scottish Water (00396) - Amendment to last sentence in para 4.151 to “Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be delivered across the planning period as part of Scottish Water's investment programme,

taking into account the cumulative demand on Assynt WTW and Evanton WWTW.”

New Sites Previously Consulted On

Hector Munro, Allan Moore (Drummond) Ltd (01041, 03864) - Allocation of site area as per site reference 6 South East of Evanton Bridge in the Ross and Cromarty East Local Plan and allocation of Alternative Sites and Land Use Consultation site reference NS113 for housing.

EV1 Teandallon and EV3 Culcairn

Angus Craik (04257) - Amend uses to include redevelopment of school and facilities on EV1 and EV3 (assumed).

EV1 Teandallon East

Angus Craik (04257) - Consideration for developer of Teandallon to commit to invest in infrastructure.

Thomas McIntyre (03971) - Amend boundary to exclude 0.23 acre site next to Tigh An Dallon House.

Thomas McIntyre (03971) - No development close to Tigh An Dallon House (assumed).

Angus Craik (04257) - Increase site capacity to 210 homes.

Albyn Housing Society Ltd (00419) - Allow modest development accessed from Thomas McIver Street.

Angus Craik (04257) - Recognition that development will lead to improvement of road infrastructure.

EV2 Culcairn

Stanley Munro, David Thomson, Douglas McFee, Angus Craik, Alan Farmer (03978, 04382, 04321, 04257, 04018) - Removal of site; correct map to accurately reflect width of road leading to Culcairn House and Cottage; if site remains then reduction of capacity to 85 homes.

Jim Hutton (01353) - Reinstate “Significant structural planting will be required between the development and the existing housing and on the eastern boundary of site”.

Mary Applegate (04250) - Additional requirements: safe pedestrian and cycle routes to local amenities, including primary school; sympathetic planting at Glenglass Road and sympathetic to Evanton’s unique rural environment.

Correct map to include accurate position of burn and the implications of future flood risk.

Douglas McFee (04321) - Priority for development of EV1.

EV3 Drummond Farm

Sheila Fletcher (00881) - Amend requirements to allow houses to be built on higher area of site and allow amenity and expansion of school on lower area.

Allan Moore (Drummond) Ltd (03864) - Delete requirement for site to be linked by a joint masterplan with EV1 and any timing restriction on delivery of site linked to provision of bridge crossing to access EV1.

Hector Munro (01041) - Lift some restrictions placed on EV3.

EV4 Airfield Road

Julie Ransome (03961) - Removal of site.

EV5 Highland Deephaven

Karen Anderson (03944) - Buffer area between development and housing.

Brindley Consulting (03122) - Reference to other strategic employment sites in Ross-shire in Strategic Employment Sites Section of Proposed Plan, in particular Highland Deephaven.

Ulrich Herbst (04146) - Demonstration of viability development.

Woodland Trust (04364) - Requirement for suitable setback from trees on banks of Allt Graad; clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.

Angus Craik (04257) - Acknowledgement that rail link to site is currently unfeasible and alternative use as a drop off station is inappropriate for the community.

Sheila Fletcher (00881) - Reduce area to exclude the woodland and marshy area adjacent to River Skiach.

EV6 Evanton Industrial Estate

Woodland Trust (04364) - Set back from ancient woodland trees on north east and north west boundaries to be assessed in this context; clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development.

Summary of responses (including reasons) by planning authority:

General

Angus Craik (04257) - The third bullet point of the general text for Evanton provides [CD6, Para 4.147, Page 138] the context for the expansion of Evanton by stating 'Consolidation of settlement by housing and mixed use development in the north and south east'. It is considered that the three expansion sites in Evanton shown in the Proposed Plan do represent consolidation of the settlement because they lie between existing built up areas. The allocations are of a scale that provides a generous supply of housing land to meet the requirement in the East Ross Housing Market Area during the Plan period.

Angus Craik (04257) - Section 4.150 of the Proposed Plan [CD6, Para 4.150, Page 139] explains that the sustainable expansion of Evanton will require upgrades to the internal road network, including a bridge link between Teandallon and Drummond Road. It is considered that the existing text gives sufficient priority to upgrading the road network.

Scottish Water (00396) - The Council support the proposed change as it reasonably clarifies that additional capacity should be proportionate to development needs.

Accordingly the Council would support such a change should the Reporters wish to recommend it.

New Sites Previously Consulted On

Hector Munro, Allan Moore (Drummond) Ltd (01041, 03864) - This site, known as South east of Evanton Bridge, was allocated in the Ross and Cromarty East Local Plan for 24 houses and reflected an extant planning permission. The site was not developed and permission has since lapsed. The key reason the site was non-preferred in the MIR and excluded from the Proposed Plan was that Scottish Environment Protection Agency (SEPA) Indicative Coastal and River Flood Map showed that a large proportion of the northern half of the site is at risk from flooding, meaning that much of the site was likely to be unsuitable for development. The SEPA Flood Map 2014 [THC EV General/2] whilst showing a slightly lesser extent of the site is at risk from flooding, it is still a significant area that is likely to pose a major constraint to development. The site does lie within active travel distance (400m) of both Kiltearn Primary School and the village centre; there is footway along the Balconie Street and Drummond Road that connect to both. However other preferred sites lie in closer proximity to the school and village centre and their location would allow for a more logical expansion and consolidation of the village. A portion of the site is prime agricultural land, as the site is not an essential component of the settlement strategy Scottish Planning Policy does not support the development of it [THC EV General/3]. Whilst it is accepted that access to the site can be achieved the allocation of supported sites in Evanton provide a generous supply of housing land for Evanton and the wider East Ross Housing Market Area.

It is accepted that there are constraints to the delivery of other allocated sites within Evanton. However the supported sites represent the most appropriate expansion and consolidation opportunities within the settlement and contribute to an already generous housing land supply in the East Ross Housing Market Area.

With regards to an extension of site reference 6 South East of Evanton Bridge in the Ross and Cromarty East Local Plan to include fields around Sunfield this site is not required to meet the housing land requirement in East Ross Housing Market Area. In response to the merits of the site raised in the representations the following responses are made. It is considered the allocations supported in the Proposed Plan represent the balanced options for consolidation and expansion of the settlement. Approximately half of the site is prime agricultural land, which unless it is an essential component of the settlement strategy Scottish Planning Policy does not support the development of. Whilst the site may not be suitable for modern agriculture this does not mean it is therefore suitable for housing development. It forms part of an attractive rural landscape that allows for views from Balconie Street over the Cromarty Firth. Balconie Street and the River Sgitheach form defensible boundaries to Evanton and there are better opportunities for consolidation and expansion of the settlement elsewhere. It is accepted there are no flood risk issues; that the site is in relatively close proximity to the village centre and that the development of both sites would allow for a more integrated approach to development in terms of access and layout, however these merits are outweighed by the aforementioned reasons why

both sites are not supported in the Proposed Plan. Accordingly, the Council believes the sites should continue to be excluded from the Plan.

EV1 Teandallon East and EV3 Drummond Farm

Angus Craik (04257) - The requirements for EV1 and EV3 specify that the developer must prepare a joint masterplan/development brief. The requirements for the brief for both sites specify formation of increased school parking. For EV3 there is an additional requirement for safeguarding land around the school for possible future expansion. Accordingly it is considered that the existing requirements for both sites make adequate provision for any future school expansion or increased parking area.

EV1 Teandallon East

Angus Craik (04257) - The developer of Teandallon 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. The Council is the landowner of the site that is currently let under an agricultural tenancy agreement. There is provision for this lease to be broken; this would be a matter for negotiation between the Council and the tenant. In terms of giving any priority to the development of this site, this would not be appropriate because all the allocated sites are required to provide a generous supply of housing land in the East Ross Housing Market Area.

Thomas McIntyre (03971) - Tigh An Dallon is a private residence that lies directly west of the site. The house itself has been excluded from the site boundary as well as land directly south of the site. However, following a review of a map showing the area leased to Drummond Farms by the Council, it is clear that a small area of land on the north eastern boundary is outwith the leased area [THC EV1/1]. It is therefore recommended to the Reporter that a minor amendment is made to the site boundary to exclude a triangular shaped piece of land to the east of Tigh An Dallon as shown on the accompanying map that illustrates the area of land leased to Drummond Farms Ltd.

EV1 represents a logical consolidation opportunity in Evanton. The development of housing adjacent to the existing private residence at Tigh An Dallon House is a compatible land use. Any impact on amenity of the property will be required to be consistent with Highland-wide Local Development Plan (HwLDP) Policy 28 Sustainable Design [CD1, Policy 28, Page 77-78]. Impacts on private views are not a material planning consideration. It is accepted that there would be constraints to using Swordale Road for access to the development, that is why the requirements make provision for a new access road and bridge crossing linking to Drummond Road. In terms of too many homes the site capacity has been calculated to promote the efficient use of land whilst taking into account general site conditions and the relative accessibility of the site. The site requirements, alongside consistency with general policies of the HwLDP, will ensure that adequate infrastructure is provided to support the development.

Angus Craik (04257) - The site was allocated for 90 homes in the Ross and Cromarty East Local Plan [CD3, Site Ref 14, Page 69], this capacity was increased to 125 in the Proposed Plan. The capacity was calculated to promote the efficient use of land whilst taking into account general site conditions and the relative accessibility of the site. The site capacity presented in the Proposed Plan is equivalent to approximately 12 units per

hectare, this falls between low and medium density as specified on in the Proposed Plan's Housing Land Requirement Background Paper [THC EV1/2]. Whilst this capacity does represent a relatively low density for the site it takes into account land that is likely to be unsuitable for development due to flooding as well as land take required for the delivery of infrastructure. As such whilst the site may be capable of accommodating a higher capacity without any detailed evidence of how this could be achieved it is considered that the existing site capacity should be retained. Furthermore, sections 2.12 and 2.13 of the Proposed Plan [CD6, Para 2.12-2.13, Page 15] explain that the housing capacities of sites are indicative and that planning applications are expected to be generally consistent with the indicative capacities specified. It further states that a different capacity than that specified may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory site layout.

Albyn Housing Society Ltd (00419) - The requirements text for the site specifies that consideration is given to limited development prior to a bridge crossing. Should any development be proposed prior to a bridge crossing a transport assessment would be required to demonstrate that sufficient provision for access can be made. Accordingly the Council believes that the existing requirements text allows for modest development accessed from Thomas McIver Street subject to the findings of a transport assessment.

Angus Craik (04257) - The wider road network improvements that will be achieved by the development are inferred in the requirements text.

EV2 Culcairn

Stanley Munro, David Thomson, Douglas McFee, Angus Craik, Alan Farmer (03978, 04382, 04321, 04257, 04018) - Consistent with Scottish Planning Policy, a generous supply of housing land has been allocated in Evanton and the wider East Ross Housing Market Area. This generous supply reflects expected population rises as a result of increased employment opportunities in the area, particularly at Nigg, Invergordon and Highland Deephaven which have ambitious growth planned to increase provision of their services that include fabrication of both on-shore and off-shore renewables; rail and sea freight and cruise ship berthing [CD6, Map 6 and Paras 3.9-3.15, Pages 24-26]. Whilst it is appreciated that large amounts of employment land are allocated in the area, in particular at nearby Highland Deephaven, the inclusion of business as an acceptable use within the site is for a different type of employment use that is supported in the industrial allocations. It is for business uses including office, research and development of products or processes and light industry, this may also live/work units. Therefore, this combination of business and industrial allocations ensures that there is a range and choice of marketable sites and locations for businesses.

Section 4.151 of the general text for Evanton explains that its primary school (Kiltearn Primary) is currently nearing capacity and therefore may be required to be extended to accommodate additional pupils. Site EV3 encloses the primary school and includes a requirement for the site to safeguard land around the school for possible future expansion. As such it is considered that should the primary school require to be extended as a result of the development at Culcairn the Proposed Plan makes adequate provision for this. It is accepted that there are current concerns with parking and road safety at the school, however site EV3 is required to provide land for the formation of increased parking at the school. Therefore with this provision parking and road safety issues would not be exacerbated.

With regards to loss of productive farm land, much of the site is prime agricultural land. Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. It is therefore considered that loss of prime agricultural land at this location, whereby significant housing expansion in Evanton is supported due to its location on the Ross-shire Growth Corridor, is an essential component of the settlement strategy and therefore is consistent with Scottish Planning Policy.

Evanton has a number of services and facilities including a primary school, convenience store, public house, café and sports centre. These services and facilities provide adequate provision for an expanded population. Furthermore expansion of the settlement will increase the viability of these services and facilities and may encourage the provision of additional services and facilities.

No parts of the site are identified as being at risk of flooding on the SEPA 2014 Flood Map. At the request of SEPA and/or the Council a flood risk assessment is a requirement of the site. It is therefore considered that the Proposed Plan adequately addresses any flood risk issues associated with the site to ensure that its development would not result in increased risk of surface water flooding.

In terms of landscape pre-application advice was given to the applicant that the evolving masterplan was likely to have a low impact on the local landscape. A requirement of the site is a landscape plan that will be required to demonstrate that any landscape impacts are suitability mitigated.

With regards to alternative sites, to provide a generous supply of housing land including a range and choice of sites, three housing/mixed use sites are proposed to be allocated in Evanton.

Consultation on the local development plan has been undertaken in line with statutory requirements. The developer of the site will be required to undertake further consultation in accordance with prescribed procedures for major planning applications.

A requirement of the allocation is a transport assessment which would assess the impact of the development on the local and strategic road network, including junctions with the A9 trunk road. The transport modelling that informed the Transport Appraisal that accompanies the Proposed Plan did not identify any detrimental impact on the strategic transport network as a result of the cumulative impact of development in Evanton. The Transport Appraisal does however identify improvements to A9 junctions as a strategic road improvement [THC EV2/1] and this is referred to in the Ross-shire Growth Area text in the Proposed Plan [CD1, Para 3.19, Page 27]. It is therefore considered that the Proposed Plan provides sufficient context to require the development to contribute towards any necessary local or strategic road network upgrades. Road safety is also an issue that will be examined in detail in the preparation of a transport assessment.

There is no evidence that the development will impact on broadband speeds of existing residents. In terms of amenity, the uses proposed are wholly compatible with existing residential uses. Detailed amenity matters including privacy and noise will be considered at development management stage and must be consistent with HwLDP Policy 28 Sustainable Design [CD1, Policy 28, Page 77-78]. Furthermore the requirement for planting between the site and existing housing areas will help to retain amenity.

With regards to site capacity the site was allocated for 85 units in the Ross and Cromarty East Local Plan [CD3, Site Ref 16, Page 70]. This represents a capacity of approximately 7 units per hectare which is generally regarded as low density. The capacity has been reviewed following the submission to the Council for pre-application advice purposes a broadly acceptable masterplan showing 160 units [THC EV2/2] as well to be consistent with Scottish Planning Policy that supports the efficient use of land and densities reflective of the character of the place. Section 2.12 and 2.13 of the Proposed Plan explains that the capacities are indicative [CD6, Paras 2.12 – 2.13, Page 15]. Accordingly it is considered that the capacity of the site should not be modified.

The mapping style chosen for the Proposed Plan was selected to provide an innovative style whilst also being easy to use and functional. However for the avoidance of doubt it is agreed that the Proposed Plan could provide greater clarity as to where the principle access site EV2 should be taken. The principle access to the site should be taken from Fyrish Crescent, this access is shown in the Culcairn Development Framework in the Ross and Cromarty East Local Plan and has been proposed in the developers masterplan that was submitted to the Council by the developer when seeking pre-application advice. As such it is unlikely that private garden ground on the lane between Station Road and Culcairn Cottage will be affected. Accordingly, the Council believes that requirements for EV2 should be amended to include a reference to the principal access being taken from Fyrish Crescent should the reporter wish to recommend it.

Jim Hutton (01353) - The masterplan for the site will be required to ensure that the site is appropriately designed and provides mixed housing with sensitive commercial use.

Albyn Housing Society Ltd (00419) - Noted.

Mary Applegate (04250) - The requirements text specifies a transport assessment that includes the development of footpaths and cycle ways. With regards to planting the Proposed Plan specifies that a landscape plan is required. It is considered this text provides sufficient context to require improvements to footpath and cycle routes to local amenities and sympathetic planting.

The background mapping has been generated using an Ordnance Survey base map. It would therefore not be appropriate for the Council to make amendments to it. With regards flooding, any risk of this will be considered if a flood risk assessment is specified as a requirement of the site.

Douglas McFee (04321) - With regards to giving priority to EV1, to provide a generous supply of housing land including a range and choice of sites, three housing/mixed use sites are proposed to be allocated in Evanton. These sites are given equal priority in the Proposed Plan. Whilst there is no history of planning permissions it is allocated for housing in the Ross and Cromarty East Local Plan, this establishes the principle of development. It is normal practice for solicitors involved with house sales to check for any nearby local development plan allocations, had this been done it would have been realised that the site was allocated for development. Loss of views from individual properties are not a material planning consideration.

Angus Craik (04257) - With regards to giving priority to EV1, to provide a generous supply of housing land including a range and choice of sites, three housing/mixed use sites are proposed to be allocated in Evanton. These sites are given equal priority in the Proposed Plan. These sites are allocated to provide a generous supply of housing land in the East

Ross Housing Market Area, the Housing Needs and Demand Assessment demonstrated the housing land requirement therefore there is demand for all the sites allocated. Site EV1 and EV2 have both been allocated for development in previous local development plans.

EV3 Drummond Farm

Sheila Fletcher (00881) - The requirements specify the developer should prepare a masterplan/development brief for the site that addresses green space and landscaping – no development on higher parts of the site, these should be retained as amenity areas; and built form – low/medium density housing on lower parts of the site. The reason for specifying that housing development should be limited to lower parts of the site is largely due to landscape impact. The site slopes steeply from north to south, therefore meaning that any development on the higher southern parts of the site would be highly visible. Furthermore, development on the lower and flatter northern parts will allow for a logical expansion area adjacent to existing housing. It is expected that sewerage connections will also be available to connect to a new development on lower parts of the site. With regards to extending the 30mph speed limit, with sound reasoning this could be initiated by the Council without any new development. Views from private properties are not a material planning consideration. Accordingly the Council believes the allocation should be retained without modification.

Allan Moore (Drummond) Ltd (03864) - It is essential that a joint masterplan is developed for EV1 and EV3 to ensure that land is safeguarded for expansion/improvements to the primary school and to also allow for land take for the formation of a road bridge. Once a masterplan has been developed that identifies the extent of land to be safeguarded development on EV3 can proceed prior to development of EV1. Accordingly the Council believes the allocation should be retained without modification.

Hector Munro (01041) - It is accepted that the requirements for EV3 place a number of restrictions to development. However given the strategic location of the site whereby it encloses the primary school and land is required for the site for the provision of a bridge link to EV1 these requirements are essential to ensure wider expansion of the village can be achieved. Accordingly, the Council believes the allocation should be retained without modification.

EV4 Airfield Road

Julie Ransome (03961) - A small holiday chalet business known as 'The Wheel Inn Chalets' lies directly north of EV4; the sites are segregated by the Far North Rail Line and some mature trees. Given that the allocation is for Business Use consistent with Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which specifies office, research and development of products or process and light industry [THC EV4/1] the site is unlikely to have an adverse amenity impact on residents of the chalets. Impacts on the private views and value of property are not material planning considerations. Accordingly, the Council believes the allocation should be retained without modification.

EV5 Highland Deephaven

Karen Anderson (03944) - Private residences at Newton Road South are surrounded by the site to the east, south and west. Directly north is the A9 trunk road. A number of business/industrial units already lie within close proximity of these residences. As such it

would not be appropriate for a buffer given the presence of existing development. However given the proximity of the site to the private residences it is felt an additional requirement could be added to the text to provide additional protection to the amenity of the houses in addition to Policy 28 Sustainable Design of the HwLDP [CD1, Policy 28, Pages 77-78]. Accordingly the Council would support such a change should the Reporters wish to recommend it.

It is accepted that significant investment in infrastructure will be required to enable the sites development. Such investment may also benefit householders at Newton Road South, however this would be consequential and cannot be stipulated as a requirement of the development.

Brindley Consulting (03122) - The Proposed Plan is currently ordered by City, Strategic Employment Sites, Towns then Local Centres. The primary reason the Strategic Employment Sites section of the Proposed Plan is not included within Towns or Local Centres is that these strategic employment sites lie outwith settlements. However it is accepted that other strategic employment sites, in particular Highland Deephaven and Delny, that are currently shown on maps within the local centres and towns section of the Proposed Plan respectively, should be given greater precedence in the strategic employment sites section of the Proposed Plan. Accordingly it is recommended that paragraph 4.25 is reworded to read 'The sites listed below, along with Highland Deephaven (Site EV5, Page 141) and Delny (Site IG12, Page 84), have the potential to provide a nationally important hub for the development of renewable technologies'. Alternately the mapping and text for sites EV5 and IG12 could be moved to the Ross-shire Growth Corridor section of the Plan. The Council would support either of these changes should the Reporters wish to recommend it.

Ulrich Herbst (04146) - There have been a number of changes to the boundary of the Highland Deephaven site in comparison to the Inner Moray Firth Ports and Sites Strategy:2050 [THC EV5/1] for several reasons including for the protection of natural heritage interests. Furthermore the area of site EV6 is included in the Ports and Sites Strategy whereas it is excluded from Proposed Plan's boundary for EV5. These changes are not considered to significantly affect the viability of the site given that the remaining site is of a significant scale suitable for major industrial development.

Woodland Trust (04364) - Two areas of ancient woodland lie within the site on the banks of the Allt Graad river [THC EV5/2]. The requirements specify a landscape assessment with supporting landscape plan and that specifically includes reference to the protection of the tree lined bank of the Allt Graad River. Furthermore several HwLDP policies are relevant to trees, in particular Policy 57 Natural, Built and Cultural Heritage provides protection for ancient woodland [CD1, Policy 57, Page 111] and Policy 51 Trees and Development [CD1, Policy 51, Page 102] and Policy 52 Principle of Development in Woodland [CD1, Policy 103, Policy 52]. As such it is considered that the existing requirements text for the site alongside the HwLDP policy framework provides adequate protection for the ancient woodland. Accordingly, the Council believes the allocation should be retained without modification.

Angus Craik (04257) - Planning permission was granted for the construction of railway access, sidings and a loading area adjacent to Fyrish Crescent/B817/Newton Road and Railway Line, North of A9 and Highland Deephaven Industrial Estate in 2006 (ref: 02/00903/FULRC) [THC EV5/3]. It was intended that the rail siding would provide access into the Highland Deephaven Industrial Estate. The proposal includes the formation of

sidings beside the main railway line and freight handling area within the existing Industrial Estate. The proposed rail link would cross the A9(T) by way of a new underpass. Whilst this planning permission was not implemented and has now lapsed the Council continues to support this aspiration to upgrade facilities at Highland Deephaven and therefore will continue to safeguard the route. Accordingly, the Council believes the allocation should be retained without modification.

Sheila Fletcher (00881) - The site's boundary lies close to the coast of the Cromarty Firth which is a designated RAMSAR and Special Protection Area [THC EV5/4]. Several species of birds are the qualifying feature of this Special Protection Area, including Greylag goose and Whooper swan. The Habitats Regulation Appraisal for the Proposed Plan screened in this site as it was considered likely to have a significant effect on the Cromarty Firth Special Protection Area; it therefore required appropriate assessment. The appropriate assessment identified potential impacts of development of the site upon the Cromarty Firth Special Protection area and subsequently identified mitigation measures that would allow there to be no residual impact on the integrity of the European site. Full details of potential impacts and mitigation are provided in the Habitats Regulation Appraisal [THC EV5/5]; mitigation requirements are also detailed in the Proposed Plan. Sufficient protection is also in place for trees by their protection being referenced in the requirements and by the policy framework in the HwLDP. In terms of any impact on protected species a requirement of the site is species surveys and HwLDP Policy 58 Protected Species [CD1, Policy 58, Page 113] and Policy 59 Other Important Species [CD1, Policy 59, Page 114] presume against any adverse impact. Accordingly, the Council believes the allocation should be retained without modification.

EV6 Evanton Industrial Estate

Woodland Trust (04364) - An area of ancient woodland lies within and east of the site [THC EV6/1]. The requirements specify that existing screen planting on the boundaries of the site must be retained. Furthermore several HwLDP policies are relevant to trees, in particular Policy 57 Natural, Built and Cultural Heritage [CD1, Policy 57, Page 111] provides protection for ancient woodland and Policy 51 Trees and Development [CD1, Policy 51, Page 102] and Policy 52 Principle of Development in Woodland [CD1, Policy 52, Page 103]. As such it is considered that the existing requirements text for the site alongside the HwLDP policy framework provides adequate protection for the ancient woodland. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

Angus Craik (04257)

1. The proposed plan refers specifically to consolidation, but the representation is unclear as to whether it is supportive of the proposed plan or requests a smaller housing allocation. In physical terms I find at least two of the three sites with housing allocations do represent a consolidation. Site EV3 could be termed an extension of the settlement. The overall figure of 300 houses is calculated to meet the needs of the East Ross Housing Market Area, and provide a generous supply, during the plan period, in accordance with Scottish Planning Policy. I find no need for any modification.

Angus Craik (04257)

2. Paragraph 4.150 makes it clear that the expansion of Evanton requires upgrades to the internal road network, including the important new bridge link between Tendallon and Drummond Road. I do not consider this needs any further elaboration. The reference to the reopening of the station is no more than a reservation of land. Issues of transport preferences and parking would have to be considered if the proposal is taken any further. No modification is needed.

Scottish Water (00396)

3. The proposed amendment is a clarification of the situation regarding future water supply. It is not contentious, supported by the council, and should be made.

New Sites Previously Consulted On

Hector Munro (01041), Allan Moore (Drummond) Ltd (03864)

4. The main area of land at issue here is designated as site 6 in the currently extant Ross and Cromarty East Local Plan, and referred to as south-east of Evanton Bridge. It is allocated for 24 houses and the requirements refer to a then extant (outline) planning permission. The representations before me include a site layout showing 35 plots, some of which are marginally within the potentially floodable area. As this is dated June 2008 it postdates the adoption of the local plan. It is unclear as to whether this ever formed the basis of a full planning permission. The reason given for the planning permission not being implemented is the onset of the recession.

5. The site was considered in the main issues report for the proposed plan. The council's given reason for not supporting the site is that the northern area of the site is subject to flooding on the Scottish Environment Protection Agency's latest flood risk maps. The boundary of the 1 in 200 year flood risk area is shown on the site layout just referred to, which shows that the site could be developed comfortably for some 30 or so houses without encroaching on the area at risk of flooding.

6. The council has acknowledged that the site lies within 400 metres of both the school and village centre, with footways connected to both. Easy, safe access can be provided onto the B817, the main road into the village. Although it is prime agricultural land an application submitted now for housing would be in accordance with the development plan. If it is to be reallocated in the proposed plan, I must consider a potential alternative site on adjacent land to the south. That site was not included in the main issues report and is open to the same criticism regarding prime agricultural land. I am not satisfied that it provides a meaningful alternative. The former site 6 provides a sound alternative choice for development at the southern end of Evanton, and is thus justified as being part of the settlement strategy. It should be included in the proposed plan.

7. The council's other concerns relate to the other supported sites representing the most appropriate expansion and consolidation opportunities within the settlement. The council acknowledges that there are constraints to the delivery of the other sites within the village. In the case of EV1, Teandallon East, designated for 125 houses and also included in the extant local plan, it is owned by the council. Representations state that it is subject to a full agricultural tenancy, granted by a former administration, that would be difficult and time consuming to break. The council claims there is provision for the lease to be broken, but

the evidence is conflicting. The site requirements also stipulate a road access to Drummond Road that would need an expensive bridge over the River Sgitheach.

8. While understanding the council's support for this site it appears from the evidence there is a strong likelihood of it remaining ineffective throughout the five year lifetime of the proposed plan. Given the council's concern for allocating a generous supply of houses with the village, in support of the overall East Ross Housing Market Area numbers, and the council's support for the site in the extant local plan, I am minded to recommend the allocation of the extant site 6, designated as site H4 in the main issues report within the proposed plan. Site requirements should include a set back from boundary trees and flood risk assessment, which may affect the developable area of the site. I have set a capacity of 30 houses, which represents a fair balance between the allocation of 24 in the extant plan and the 35 proposed in the site drawing, allowing for some of the latter plots being within the 1 in 200 year flood risk area. The settlement development area to be adjusted to include the new site.

EV1 Teandallon East and EV3 Drummond Farm

Angus Craik (04257)

9. I note that the requirements for site EV1 already refer to providing school parking, and for EV3 parking and the reservation of land for school expansion. In view of this no modification is needed.

EV1 Teandallon East

Angus Craik (04257)

10. The council has already provided supplementary guidance on Developer Contributions. These would include contributions to increasing school capacity and upgrading road infrastructure where these needs arose as a direct result of the development. No modification is needed.

Thomas McIntyre (03971)

11. This concerns a factual inaccuracy in the boundary of site EV1, which inadvertently includes a small area of land in the ownership of the representee. The site boundary should therefore be amended.

12. The representee also raises concerns about issues relating to development close to the property, and how these will be addressed. Relevant ones will be dealt with during the preparation of the site masterplan and development brief, a requirement of the plan, and which will be subject to consultation. Any concerns can be addressed at that time. No modification is needed.

Angus Craik (04257)

13. This relates primarily to the capacity of the site, with a proposal to increase it to 210 from the allocated 125. The council has explained that while this is a relatively low density it allows for difficulties that may be encountered in developing the site. It also notes that the figures are indicative and that a higher figure can be put forward at planning application stage if it can be justified.

14. I have set out above my concerns as to the effectiveness of this site, and made an allocation for 30 houses on the site south-east of Evanton Bridge. There is no justification for a further increase in housing numbers on site EV1. No modification is needed.

Albyn Housing Society Ltd (00419)

15. This seeks a modest development accessed from Thomas McIvor Street. This forms part of a housing development that intrudes into site EV1 on its eastern boundary. As such it could form an appropriate access to a small development. The site requirements already make provision for such a development, subject to a transport assessment, so no modification is needed.

Angus Craik (04257)

16. The requirements for the site already require that a new access and bridge crossing be provided. There is no need for a specific reference to state that this will improve the wider road network.

EV2 Culcairn

Stanley Munro (03978), David Thomson (04382), Douglas McFee (04321), Angus Craik (04257), Alan Farmer (04018)

17. These representations provide an extensive list of reasons as to why the site should be removed from the plan. These are addressed in detail in the council's response set out above. I have not been provided with any firm evidence, as opposed to opinions, that cause me to take issue with anything that has been set out in that response.

18. Site EV2 is carried over from the extant Ross and Cromarty Local Plan, which the proposed plan will succeed. The allocated sites were carefully considered at the time of the main issues report, and the council conclude the housing capacity of the site should be increased from 80 in the former plan to 160 in the proposed plan. The site covers 12.3 hectares. Allowing that part of the site is to be developed for business and community uses this is not an unduly high density. The council has explained the figure is derived from the requirements for a generous supply of housing sites within the East Ross Housing Market Areas, following allocations in the Highland-wide Local Development Plan. No modification is needed.

19. The council points out that it would be appropriate to make a reference in the site requirements to access being taken from Fyrish Crescent. This is effectively a technical modification and should be accepted.

Jim Hutton (01353), Albyn Housing Society Ltd (00419)

20. These representations are both supportive of the development of site EV2 and no modification is needed.

Mary Applegate (04250)

21. The site requirements already make provision for the development of footpaths and cycleways, together with the preparation of a landscaping plan that will include significant structural planting. A flood risk assessment is also required. These will ensure that the

issues raised are fully addressed. The council has commented on the use of the Ordnance Survey map base and there is nothing I can constructively add to this. No modification is needed.

Douglas McFee (04321); Angus Craik (04257)

22. The three allocated sites, EV1, EV2, EV3, together with the one south-east of Evanton Bridge that I have recommended above, are treated equally in terms of priority. Given the uncertainties over the effective timing of site EV1, also referred to above, I do not consider a stipulation that it should be developed first would be appropriate. The four sites are already established by inclusion within the Ross and Cromarty East Local Plan, so the existence of the designation should not be unexpected. Issues that affect neighbouring residents are dealt with in the site requirements, and there will be further opportunity for comment when a planning application comes forward for any development. No modification is needed.

EV3 Drummond Farm

Sheila Fletcher (00881)

23. The requirement for housing to be confined to the lower part of the site is because of the potential landscape impact of building on the higher, southern part. From my site inspection it is clear that this marks the important southern boundary of the settlement development area. The site, at 5.4 hectares, is of ample size to accommodate the 15 houses proposed, together with the community use concerning the school. The presence of existing housing on the north side of Drummond Road is not a justification for not developing on the south side. Issues affecting the residential amenity of those houses would be assessed at the time of a planning application. As the council points out the protection of private views is not a material planning consideration.

24. I understand from the council's submission that sewerage would be available from the lower part of the site. Matters related to speed limits are not covered by planning legislation, and as the council points out this could be pursued irrespective of whether the site is developed. No modification is needed.

Allan Moore (Drummond) Ltd (03864), Hector Munro (01041)

25. I understand the council's concern about linking the development of sites EV1 and EV3 together through a masterplan/development brief is primarily to ensure the identification of land needed for the EV1 road/bridge access, and school parking and expansion space. The two sites are in separate ownership, albeit that the owner of EV3 is also the agricultural tenant of the council, farming EV1.

26. The sites are located on opposite sides of the River Sgitheach. Site EV3 is also separated from the river by development along the north side of Drummond Road, which bounds part of the north-east side of the site. The remainder of that boundary is around the school, which for practical purposes is inset into site EV3. It was clear from my site inspection that because of these factors the two sites EV1 and EV3 appear physically to be well separated.

27. I have expressed my concerns about the effectiveness of site EV1 above, and there is no indication of when a masterplan or development brief may come forward. Under the

wording of the present proposed requirements this could effectively delay the development of site EV3. The matter can be resolved by removing the link to site EV3 in the requirements for site EV1; and remove the corresponding link to site EV1 under the site EV3 requirements, making it clear that the identification of land for the crossing access road is required for the latter.

28. In making these recommendations I am conscious that the only practicable landfall for the proposed new bridge will be in the vicinity of the northern end of the primary school grounds and close to the access to the school car park. This is outlined in the Teandallon Development Framework contained in the extant local plan at page 71. This is not carried forward to the proposed plan, and will therefore cease to be part of the development plan when the new plan is adopted. Despite this I am satisfied from my site inspection that this comprises the most likely alignment for the new road, subject to adjustments once properly surveyed.

29. These amendments will not prejudice the development of either site, but it will be clear that taking forward site EV3 is not subject to the progress of site EV1 other than through the identification of land for the new road. Other requirements for the new access road and school parking, and the safeguarding of land for the school extension are already stated in the requirements for site EV3 and are not affected by the modifications.

EV4 Airfield Road

Julie Ransome (03961)

30. The council's description of the relationship between the proposed site EV4 and the holiday chalets was confirmed by my site inspection. In addition to the uses stated above by the council, from Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the order adds: being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. I am satisfied that the business use stated in the plan should not prejudice the future of the holiday business. No modification is required.

EV5 Highland Deephaven

Karen Anderson (03944)

31. The council's description of the location of the private houses in Newton Road South relative to the surrounding business and industrial units was confirmed by my site inspection. Highland Deephaven is an established industrial site, albeit with much open ground available for development. A buffer for protecting the houses is not a realistic option, but the council supports an additional requirement for the site and this represents a sensible way forward for safeguarding residential amenity from further encroachment. The protection of residential amenity is already included in the requirements for development of the railway sidings, but this could also be added to the first paragraph at the beginning of the requirements section. A modification should therefore be made.

Brindley Consulting (03122)

32. This representation concerns how the reference to strategic employment sites is made in the proposed plan. The council accepts that these sites, notably Highland Deephaven (site EV5) and Delny (site IG12 at Invergordon) could be given greater

prominence in the plan.

33. The council provides two options, the first a reference to the two sites at paragraph 4.25 within the Ross-shire Growth Corridor section of the proposed plan, or moving both sites in full to the Growth Corridor section of the plan from their present inclusion within the Evanton and Nigg settlement plans. My preference is for the former because both sites are more closely related to their associated settlements than the Growth Corridor sites of Fearn Aerodrome, Fendom and Nigg Yard. The latter three sites are effectively independent of nearby settlements. A modification should be made accordingly.

Ulrich Herbst (04146)

34. I note the council's explanation for the reduction of the size of the site, including releasing land for nature conservation reasons, and the land at site EV6 being designated as a separate site, as it lies on the opposite side of the A9 from the main part of the site. The remaining site area is 147.1 hectares, which remains a very substantial site, with the greater part still undeveloped. The site is the former Evanton aerodrome and comprises good level developable land. For the right developer I do not have any evidence that its viability would be reduced significantly compared to that of the original 176 hectare site. No modification is needed.

Woodland Trust (04364)

35. This representation expresses concern about the protection of ancient woodland trees on the banks of the Allt Graad river. I note the site requirements for EV5 state specifically that these trees should be protected. The exact detail of this is left to the preparation of a landscape plan.

36. Also Highland-wide Local Development Plan Policies 58 Protected Species and 59 Other Important Species presume against any adverse impact. Together I am satisfied that adequate provision is made for the protection of the ancient woodland trees. No modification is needed.

Angus Craik (04257)

37. This request, to effectively abandon rail development, appears to be based on personal opinion rather than factual evidence. No sound planning arguments have been put forward to support the removal of the references. The location of the safeguarded sidings land is being carried over from the Ross and Cromarty East Local Plan, so this is well established. In the absence of any realistic counter proposals for the land no modification is required.

Sheila Fletcher (00881)

38. I am assuming the reference to the River Sgitheach (Ordnance Survey spelling) should be to the River Glass as the former lies well outside site EV5 but the latter flows through it, and could potentially be affected directly by its development.

39. The council points out above how the site has been screened under European Habitats legislation and an appropriate assessment carried out. This identified potential impacts on the Cromarty Firth Special Protection Area and proposed mitigation measures that would allow there to be no residual impact on the integrity of the European site.

These are set out in the Habitats Regulations Appraisal (THC EV5/5).

40. Regarding any impact on protected species a requirement of the site is species surveys and Highland-wide Local Development Plan Policies 58 Protected Species and 59 Other Important Species presume against any adverse impact. For all these reasons I consider that sufficient safeguards are already in place. No further modification is needed.

EV6 Evanton Industrial Estate

Woodland Trust (04364)

41. While the site requirements refer to the retention of existing screen planting it appears from the site plan THC EV6/1 'Ancient Woodland' that this may not provide sufficient protection as not all the woodland is adjacent to the screen planting. Although the relevant Highland-wide Local Development Plan policies referred to above give additional protection it would be an added safeguard to add 'protection of ancient woodland' to the site requirements.

Reporter's recommendations:

It is recommended that:

1. In paragraph 4.151, the third sentence be deleted and replaced with: "Early engagement is required between developers and Scottish Water to ensure sufficient capacity can be delivered across the planning period as part of Scottish Water's investment programme, taking into account the cumulative demand on Assynt Water Treatment Works and Evanton Waste Water Treatment Works."
2. The boundary for site EV1 be modified to exclude the small triangle of land immediately adjoining Tigh An Dallon House to the east, as shown on council plan THC EV1/1.
3. The site designated as '6 South-east of Evanton Bridge' in the Ross and Cromarty East Local Plan be allocated for housing with a capacity of 30 units. For the avoidance of doubt the site is also designated as H4 in the Main Issues Report. The site requirements be stated as: "Layout to include set back from northern boundary trees; Flood Risk Assessment, which may affect developable area of the site." The Settlement Development Area boundary be redrawn to include the site.
4. Under the requirements for site EV2 after 'Transport Assessment including' the words: "principal access to be taken from Fyrish Crescent" be inserted.
5. Under the requirements for site EV1 in the first sentence the words: 'and nearby related site at Drummond Farm' be deleted.
6. Under the requirements for site EV3:
 - in the first sentence the words: 'and nearby related site at Teandallon East' be deleted; and
 - in the second sentence, after 'should address:' the word: 'access -' be deleted and replaced with: "the identification of land required for a". For the benefit of doubt the first part of the second sentence now reads: "This should address: the

identification of land required for a new access road and bridge crossing linking to Drummond Road over the River Sgitheach...”

7. Under the requirements for site EV5, in the first paragraph, after ‘inset map’ be added the words: “Protection of residential amenity;”
8. Paragraph 4.25 be deleted and replaced with: “The sites listed below, along with Highland Deephaven (Site EV5, Page 141) and Delny (Site IG12, Page 84), have the potential to provide a nationally important hub for the development of renewable technologies.”
9. Under the requirements for site EV6, after the words ‘boundaries of the site’ be added the words: “and protection of ancient woodland;”

Issue 44	Maryburgh	
Development plan reference:	(Paras. 4.152-4.158, Pages 142-145)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Highland Small Communities Housing Trust (00430) Brahan Estate (01036) Andrew Matheson (01680) Jennifer Ross (04060)	Philip Burgin (04213) Maryburgh Community Council (04355) Woodland Trust (04364) The Highlands Small Communities Housing Trust (04381)	
Provision of the development plan to which the issue relates:	Maryburgh	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Andrew Matheson (01680) - Seeks reallocation of site because: was included in the Main Issues Report (MIR) as preferred site by Council; proposal welcomed by the Community Council and there very few negative comments from anyone else; effective site and is in a single ownership; site MB1 is not effective as proven by unsuccessful, lengthy negotiations to agree a master plan between all 4 owners together with their advisors, the Highland Council, the Highland Small Communities Housing Trust, Albyn Housing and the Highland Housing Alliance; unmet demand for new housing over many years in Maryburgh, and; a large site can deliver a healthy mix of different types of housing.</p> <p>Maryburgh Community Council (04355) - Seeks reallocation of site because the Plan should look to the long term.</p> <p>Brahan Estate (01036) - Seeks reintroduction of Main Issues Report MU3 site to south west of settlement and earlier activation of sites MB1 and MB2 because: the Plan is an ineffective framework for expansion of Maryburgh and therefore it cannot contribute to the Plan's strategy to expand the Ross-shire Growth Corridor which in turn is connected to the National Planning Framework Easter Ross employment sites; of insurmountable land assembly problems at MB1; MIR site MU3 would offer an effective site alternative because it is in a single ownership and would also facilitate development of MB1 and MB2 because it could connect to them [01036/MB General/1]; the Council should facilitate the necessary access improvements to open up sites that can facilitate growth; Scottish Planning Policy allows new trunk road junctions and states "the case for such junctions will be considered where significant economic growth or regeneration benefits can be demonstrated" which could be demonstrated because of Maryburgh's role in the growth corridor; a positive Plan allocation would give the necessary security to commit resources to a Transport Assessment which would underpin the case for a new trunk road junction; 5 recent years of discussions and part public funded feasibility work [01036/MB General/2] have not resolved the ransom and access issues with MB1 and therefore it is not effective and</p>		

deliverable and other alternative sites should be allocated ; the Council classified the MIR MU3 site as preferred at MIR stage; a mixed use development would be sustainable; a new A835 access would remove or lessen the existing road capacity constraint and threshold for the A835 roundabout/Proby Street and create the potential to rationalise existing Estate junctions with the A835 further west which facilitate access to public events, a significant outdoor recreation resource, visitor facilities, a caravan site, farm and industrial premises; the MIR MU3 adjoins an existing settlement; the community raises no substantive opposition to the Brahan Estate sites; the Plan endorses the Brahan Estate lands as the favoured direction for expansion of Maryburgh, and; masterplan/development briefs should have landowner/developer involvement and have a primary function of facilitating an effective land supply.

MB1 Maryburgh Expansion site (North)

Jennifer Ross (04060) - Seeks additional measures to mitigate flood risk because: her property has been flooded twice in the past 7 years; further development will likely exacerbate flood risk, and; a large part of Lower Maryburgh will be affected by this development.

The Highlands Small Communities Housing Trust (04381) - Seeks amended roads requirements because there are limited opportunities to develop in Maryburgh with the MB1 a key/only available site.

The Highlands Small Communities Housing Trust (00430) - Seeks amendments to allow flexibility so an early phase of affordable housing can be activated.

MB2 Maryburgh Expansion site (South)

Philip Burgin (04213) - Seeks reconsideration because: there is a natural watercourse that runs through the site and its diversion would cause considerable disruption and delay; there is an increased risk of paediatric leukaemia associated with living in close proximity to electricity pylons (press articles supplied as evidence) and there are two high voltage power lines running through the site and it would be precautionary not to pursue housing because it would be irresponsible to deliberately expose minors to the increased risk of developing a childhood cancer.

Woodland Trust (04364) - Objects because: site has sparsely tree cover but entire site was ancient woodland and part of Broad Wood adjoining to south; ancient woodland already lost to housing to east of site and, and; site is appropriate for rehabilitation of ancient woodland. Also because ancient woodland: has a high conservation value because of its biodiversity; is scarce; is finite; is irreplaceable; is worthy of further study, and; is protected from development by national and Highland wide planning policy.

Brahan Estate (01036) - Seeks changed wording because: developer requirements unclear; MB2 should not be substantially dependent on an access distributor phased from the east because this connection may not be deliverable because of land assembly problems; an alternative feasible access from the west should be endorsed via a new junction on the A835 and this will reduce the length of distributor road required to connect to site MB2 (indicative masterplan supplied); the provisions for MB2 are not interchangeable with MB1 and a separate housing capacity should be stated; if the site areas are combined then the overall density (with a 200 combined capacity) is far too low for a large village, and; 95 units would be an appropriate density for MB2 using the density

for MB1 (applied in isolation).

MB3 Former Maryburgh Primary School

Social Housing Providers in Highland (04381) - Seeks increased housing capacity because this can still safeguard the existing playing field and village hall and their enhancement may not happen.

Modifications sought by those submitting representations:

General

Andrew Matheson (01680) - Re-allocation of Main Issues Report site Maryburgh MU3 - 24 ha of land for residential and mixed use.

Maryburgh Community Council (04355) - Re-allocation of Main Issues Report site Maryburgh MU3 for mixed use development but with preference given to MB1 and MB2 being developed first.

Brahan Estate (01036) - (1) Add "Mixed Use; MB3 (former MIR MU3 site) Maryburgh Expansion Site (South) Area: 24 ha. Uses: approximately 270 homes, business, community facilities and open space; Requirements: subject to access (to the A835), a developer masterplan to include a landscape framework; access to be determined by Transport Assessment and in agreement with Transport Scotland". Appropriate references (as the Council proposes at MB1) to core paths links, international conservation designations, flood risk and archaeology are not opposed. (2) Add reference to the supporting role of Maryburgh (and other similar centres ie, including Conon Bridge) to para. 3.10 (Vision) and 3.12 (Strategy) consistent with Map 6: Ross-shire Growth Area. (3) Adjust MB1 to reflect the requirement for a framework to co-ordinate development and phasing of MB1, MB2 and MB3 (as proposed at (1) above); to include phasing from the east and/or west; and a reference to the potential for "early development on land at the interface of MB1 and MB2 (off Birch Drive) consistent with the capacity in infrastructure and services".

MB1 Maryburgh Expansion site (North)

Highland Small Communities Housing Trust (00430) - Amended developer requirements to allow an early phase of denser, affordable housing accessed at the north end of the site accessed from Donald Cameron Court without the need for a masterplan or road improvements which would require third party co-operation (assumed).

The Highlands Small Communities Housing Trust (04381) - More flexible Plan approach in terms of road access allowing for development of a smaller phase of housing development with access from Donald Cameron Court.

Jennifer Ross (04060) - Additional developer requirements to mitigate against existing and likely increased flood risk to Ussie Burn including better and more frequent maintenance of Ussie Burn.

MB2 Maryburgh Expansion site (South)

Philip Burgin (04213) - Seeks reconsideration of development boundary to avoid natural watercourse and change of use from housing (assumed).

Woodland Trust (04364) - Deletion of allocation.

Brahan Estate (01036) - MB2 should be named Maryburgh Expansion Site (West): housing capacity approximately 95. Wording should allow road access from west.

MB3 Former Maryburgh Primary School

The Highlands Small Communities Housing Trust (04381) - Housing capacity increased to 30 units.

Summary of responses (including reasons) by planning authority:

General

New Sites Previously Consulted On (MIR MU3)

This site was not confirmed within the Proposed Plan because of the restricted width of Dunglass Road and the lack of a transport assessment justification to overcome Transport Scotland's in principle opposition to a new trunk road access off the A835(T). It was also felt that ownership restrictions at what are now MB1 and MB2 could, in time, be overcome. Other issues could be mitigated by appropriate masterplanning. There has been no material change in circumstances since September 2013 that would justify a change in the Council's position. Road access constraints affect both MIR MU3 [CD5, Pages 66-67] and the presently allocated MB1 and MB2. It is understood that site MB1 has not become available because of a breakdown in commercial negotiations not because of a technical issue or an in principle opposition from any particular owner. A lack of agreement in commercial ransom negotiations is not a valid reason to de-allocate a site that is otherwise acceptable in planning terms. Site MU3 is more distant from the settlement's central facilities than the allocated alternatives. It may be acceptable in the longer term once other sites are completed but is not justified in the short term given the availability of alternatives in Maryburgh and adjoining settlements which can accommodate Ross-shire Growth Area demand. The Council's use of its compulsory purchase powers would require it to demonstrate that the land to be acquired has no reasonable alternative which with housing sites is very problematic. However, there may be an argument to reconsider road access arrangements to MB1 and MB2 to enhance their effectiveness. An additional allocation is not required above the 25ha already allocated at MB1 and MB2 to create the certainty to justify the financing of a transport assessment. However, if the Reporters agree then the Council would be content that the developer requirements of sites MB1 and MB2 are amended to open up the possibility of access direct from a new A835(T) junction should this be justified by Transport Assessment and agreed by Transport Scotland.

MB1 Maryburgh Expansion site (North)

The ransom based roads constraint affecting the site is recognised but allowing a first phase of development without agreement on a longer term solution to that constraint would be prejudicial to road safety. The Plan commits the Council to a masterplanning

process which will include consideration of effective road access arrangements. If the Reporters agree then the Council would be content that the developer requirements of sites MB1 and MB2 are amended to open up the possibility of access direct from a new A835(T) junction should this be justified by Transport Assessment and agreed by Transport Scotland. If, subsequently, that solution is agreed and committed then it may be appropriate to allow an initial phase of development from Donald Cameron Court. A fuller flood risk assessment reference would best be addressed through and included in the proposed masterplan Supplementary Guidance but if the Reporters consider that an augmented Plan reference is necessary then the Council would accept such a modification.

MB2 Maryburgh Expansion site (South)

The Council accepts that the factors listed by the respondents will constrain the capacity of the site but should not preclude its allocation. The proposed masterplanning process will address these issues and their implications for site layout and density. However, if the Reporters feel it appropriate then the Council would be content if additional developer requirements were included on existing woodland, overhead line and watercourse set-backs. The Council's existing pan Highland Supplementary Guidance on these issues requires respective set-backs of falling distance, 12 metres and 6 metres from top of bank. The Woodland Trust's views are unreasonable in seeking to protect areas that were ancient woodland according to the Roy Maps but are presently commercial conifer plantations or have no or limited tree cover. Existing native/broadleaf trees and a reasonable set-back should be safeguarded and additional/compensatory planting required where appropriate (in this case adjacent to the A835(T) but a blanket requirement to encourage natural regeneration of wider areas is not acceptable to the Council. A 200 unit capacity across the combined MB1 and MB2 sites over a combined 25ha area does represent a very low gross density but as stated by respondents the developable area of the sites is reduced significantly by the need to set development back from existing and proposed woodland, the A835(T), existing watercourses, and the need to safeguard land for an internal distributor road and possible new A835(T) junction. As stated in the responses above, if the Reporters agree then the Council would be content that the developer requirements of sites MB1 and MB2 are amended to open up the possibility of access direct from a new A835(T) junction should this be justified by Transport Assessment and agreed by Transport Scotland.

MB3 Former Maryburgh Primary School

The site's housing capacity has been limited explicitly to give preference to retained and enhanced community facilities ahead of housing development because other housing site options are available within the village. The existing playing field and adjoining greenspace fulfils both recreational and amenity functions at the heart of the village and therefore built development not associated with these functions should be limited to the previously developed portion of the allocation. Given this design parameter then a limited housing capacity is appropriate. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:New Sites Previously Consulted On (MIR MU3)Andrew Matheson (01680), Maryburgh Community Council (04355), Brahan Estate (01036)

1. This site, comprising open agricultural land, lies to the south of and adjoining the Maryburgh settlement development area. Sloping predominantly from north-west to south-east it straddles Dunglass Road, a single track road providing access from Maryburgh to farms to the south. The restricted width of this road and the lack of a transport assessment for a new access from the A835 trunk road were the main reasons why the site was not carried forward from the main issues report into the proposed plan. Potentially a new junction on the A835 to the west of Maryburgh could provide an access allowing the development of this site in the future, as well as assisting that of proposed sites MB1 and MB2. That would be a matter for consideration in future local development plans.
2. A further representation was made regarding the implication in the new Scottish Planning Policy that new accesses may be allowed on trunk roads. The new policy was published after the finalisation of the plan prior to examination. Paragraph 278 says that while new junctions on trunk roads are not normally acceptable, the case will be considered (by Transport Scotland) where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated.
3. To test this I sent a further information request to the council asking for its views on the new Scottish Planning Policy. In response it said it did not consider the new policy sufficiently different from the old one to have a significant effect, and certainly did not provide a justification for modifying the plan. The representee on the other hand did not accept this and believes that a new junction is the key to releasing the development potential of the area.
4. Despite this the council is happy to accept a modification in relation to sites MB1 and MB2 to allow the possibility of a junction being opened up for these two sites, which between them are allocated for two hundred houses.
5. The main issue preventing the development of sites MB1 and MB2 is the breakdown of commercial negotiations between parties over the sale of land necessary to provide access. The council takes the view that this is not a reason for de-allocating the sites, and I accept this. That said the council is now minded to introduce a modification opening up the possibility of a new direct access on to the A835.
6. I agree with the council that this is a sensible way forward, irrespective of the outcome of the land sale negotiations. I also accept the council's view that in the longer term site MIR MU3 may be acceptable for development, but I agree that in the shorter term its greater distance from the settlement's central facilities does not justify development ahead of allocated sites MB1 and MB2. No modification is required other than introducing the possibility of the direct link to the A835.

MB1 Maryburgh Expansion site (North)

Highland Small Communities Housing Trust (00430 and 04381), Jennifer Ross (04060)

7. I have considered above, and accepted, the possibility of opening up a direct access to the site from the A835 trunk road. As the council states this will open up the site for a more flexible development than may otherwise be possible, including the timing of various phases. The modification I have already proposed deals with this.

8. The impact of flooding on neighbouring properties is a serious issues. The fears about the potential impact are fully understandable, especially when such events have already been experienced on more than one occasion. This suggests an existing rather than just potential risk, and in these circumstances I agree with the council that an augmented reference to a flood risk assessment is sensible.

MB2 Maryburgh Expansion site (South)

Philip Burgin (04213), Woodland Trust (04364), Brahan Estate (01036)

9. The council has addressed the principal issues raised here by proposing a modification to add to the developer requirements, under the masterplan/development brief, consideration of the existing woodland, overhead power lines and watercourse set back. As these deal in general with points of detail I consider this is the appropriate way to deal with them.

10. I also agree with the council about the lack of ancient woodland on the site. It was obvious from my site inspection that much of the site is now under commercial conifer forest, with the remainder having little or no tree cover. The proposed site capacity of 200 houses is low for a 25 hectare site, leaving ample room for sensitive areas of ground to be safeguarded. I consider that the modification just proposed above will be sufficient to address woodland matters. In any event Highland-wide Local Development Plan policies 51, 52 and 57 regarding trees and the natural environment provide additional protection.

11. I have already proposed above a modification regarding direct access to the A835, and this deals with the representation on that issue.

MB3 Former Maryburgh Primary School

The Highlands Small Communities Housing Trust (04381)

12. The council has explained the reasons for limiting the site capacity and at my site inspection the large proportion of the land taken up by the playing field and greenspace was evident. The capacity figure of 10 houses is also indicative and once detailed proposals have been brought forward this can be increased if shown to be justified. I consider it unlikely however, because of the open space constraints, that a site capacity close to the 30 sought by the representee will be achievable, and therefore I consider the allocated figure of 10 should remain unchanged.. No modification is necessary in this regard.

Reporter's recommendations:

It is recommended that:

1. Under the requirements for site MB1, at the end of the third paragraph, after A835, the words: "and the possibility of a new direct access on to the A835 to the west of Maryburgh." be added.
2. Under the requirements for site MB1, in the third paragraph after 'Flood Risk Assessment' the words: "paying particular attention to the impact on neighbouring properties," be added.
3. Under the requirements for site MB1, in the first paragraph after 'from the A835' the words: "address set-back from water courses, impact on existing woodlands and overhead power lines;" be added.

Note: Changes to the requirements for site MB1 are automatically carried forward to site MB2 so no specific modifications are necessary in that regard.

Issue 45	Munlochy	
Development plan reference:	(Para 4.159, Page 145)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Knockbain Community Council (00303) Eric Butlin (04064) H.D Paul & Sons Ltd (04332)	Jeanette Pearson (04338) Woodland Trust (04364) Broadland Properties Ltd (BPL) (04437)	
Provision of the development plan to which the issue relates:	Munlochy	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Eric Butlin (04064) - Seeks reduction/removal of housing allocations in Munlochy because they are considered to be unnecessary.</p> <p><u>ML1 East of Cameron Crescent</u></p> <p>Broadland Properties Ltd (BPL) (04437) - Support this allocation but suggests that it should be increased to 10 home capacity and should include land to north where the amenity planting is required. Considers that this allocation is of interest to the Council's Housing and Property Service (who also own the adjacent land to the west through which access will be taken) and could meet the affordable housing requirement generated by residential development on ML3.</p> <p>Jeanette Pearson (04338) - Seeks removal or reduction of ML1 at its eastern boundary for the following reasons: raised ground level and proximity between their property to immediate east presents an overlooking/privacy/light issue; and impact on the rural and open character of the area.</p> <p><u>ML2 Brae Farm</u></p> <p>Broadland Properties Ltd (BPL) (04437) - Seeks increase in home capacity from 41 to 50 to 85, and removal of current developer requirement to accord with the planning permission to replace with requirement for a Design Statement complete with visualisations for the following reasons: it represents an appropriate density of between 15 and 25 houses per hectare; it accords with the type of increases made elsewhere such as CU3 and MO2; market conditions have changed moving towards smaller units; Cairn Housing Association have developed a scheme like this at Brae Farm; proposals for the north west site are for 20 homes in a close knit village street style and if this is approved the intention would be for similar development on the rest of the site; it offers flexibility to deliver something in accordance with Designing Streets with a high quality designed layout;</p>		

Woodland Trust (04364) - Seeks setback from southern border of ancient woodland and rehabilitation of woodland for the following reasons: the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; the individual and cumulative impact of woodland removal; the inability to mitigate the impact of its removal; and development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of non-native plants and therefore cumulative impacts are of great concern.

ML3 South of the Post Office

H.D Paul & Sons Ltd (04332) - Seeks exclusion of this allocation for the following reasons: loss of grazing and potential impact on the viability of the farm holding; is needed as buffer zone due to impact on amenity (noise/smell) from the pumping station and from ventilation and crop drying equipment at the farm.

Broadland Properties Ltd (BPL) (04437) - Seeks eastern extension of this allocation across the western part of the adjoining field to increase the site area to 4.2 ha [04437 ML ML3, Sketch Development Framework], and remove indication of housing capacity for the following reasons: the wider site has potential to sustain and enhance employment, and expand and improve community facilities in association with traffic management measure; it helps makes the overall development feasible and provide more land for community uses; for proper planning, access/secondary access and other considerations (such as planting to the east which is not required for current ML3) need to be considered for the extended area; the masterplan would guide design of buildings, indicate housing capacity and phasing, woodland safeguards, holdback areas from burns, open space and path linkages and flood risk and landscape assessment; the Council recognises the benefits of this extended allocation “;very good central location, close to services and facilities”; and as a “;natural extension to the village rounding off the built form”; and that the visual impact of development here is not a significant issue and planting to the east can soften impact; disagrees with Council's reasons for not including - access concerns about being served off a single access as the level of development can be established through Transport Assessment, and that the GCR will constrain further opportunities to the east; recognises that the Council may consider this site in the longer term subject to investigating a secondary access (but justification for this position is not provided) and advance planting to the east; a secondary access solution is unlikely to be achievable but it is considered that although there may be path options to the village hall; the SEA mentions consideration of the GCR feature rather than resistance to development and there is no record for this GCR being made a SSSI therefore it has no statutory protection; and disputes the Council's assertion that access is through the village hall car park as there is agreement over a proposed access through the main village car park with reconfiguration of this.

ML4 North of Brae Park

Broadland Properties Ltd (BPL) (04437) - Seeks modification of this site from community uses to a mixed use site for the following reasons: there is no timescale for the Sustainable School Estates Review and other uses beyond community uses are not indicated should it not be required for a new school; options should be left open for low density residential development or a residential care home.

Knockbain Community Council (00303) - Knockbain Community Council consider that any Plans for new schools depends on what happens in Fortrose, Avoch and Tore all of which could be subject to delays especially regarding the new housing developments in Tore. This site therefore needs long term protection from being used for housing. It should be labelled as Education and Community use.

ML5 North of A832

Broadland Properties Ltd (BPL) (04437) - Seeks expanded allocation to the east, or enhanced development potential on ML1-4 so that ML1-5 can seek developer contributions towards the full improvement of the A832/B9161 road junction for the following reasons: local representatives and Knockbain Community Council encouraged them to spend resources on submitting this extension; the Council does not have the resources to effect the preferred solution of moving the northern leg of the junction to the eastern edge of the requested additional business/tourism land; the landowner is willing to make land available on both sides of the A832; this site is well suited to a well designed commercial/visitor facility with significant structural planting; if the Council continues to resist this form of development the other way of delivering the junction improvement may be in relation to the increase in development capacity and extent of allocations ML1-4; at the very least land can be made available for the junction improvement but funding will depend upon the extent to which these requests on ML1-4 are met; if met in full no objection would be made to appropriate developer contributions being sought; in the current economic climate enhanced development potential for ML1-4 is more likely to deliver the junction improvement.

Knockbain Community Council (00303) - Knockbain Community Council: it will tidy up an eyesore for the village and allow safer access to the Killen/Culbokie Road although the loss of the petrol filling station facility will be an issue.

Jeanette Pearson (04338) - Seeks removal, reduction or relocation of ML5 for the following reasons: sustainability issue with existing industrial estates in the wider area under utilised; inappropriate size and location and impact on rural and open character; road safety issues/accident blackspot at junction; infrastructure/drainage issues; impact on environment including nearby SSSI, outstanding view to Munlochy Bay; impact on public amenity and tourism economy; impact on residential amenity from commercial expansion.

Modifications sought by those submitting representations:

General

Eric Butlin (04064) - Seeks reduction/removal of housing allocations in Munlochy

ML1 East of Cameron Crescent

Broadland Properties Ltd (BPL) (04437) - Support this allocation but suggests that it should be increased to 10 home capacity and should include land to north where the amenity planting is required.

Jeanette Pearson (04338) - Seeks removal or reduction of ML1 at its eastern boundary.

ML2 Brae Farm

Broadland Properties Ltd (BPL) (04437) - Seeks increase in home capacity from 41 to 50 to 85, and removal of current developer requirement to accord with the planning permission to replace with requirement for a Design Statement complete with visualisations:

Woodland Trust (04364) - Seeks setback from southern border of ancient woodland and rehabilitation of woodland

ML3 South of the Post Office

H.D Paul & Sons Ltd (04332) - Seeks removal of this allocation

Broadland Properties Ltd (BPL) (04437) - Seeks eastern extension of this allocation across the western part of the adjoining field to increase the site area to 4.2 ha, and remove indication of housing capacity

ML4 North of Brae Park

Broadland Properties Ltd (BPL) (04437) - Seeks modification of this site from community uses to a mixed use site

Knockbain Community Council (00303) - Knockbain Community Council consider that this site should be labelled for Education and Community use.

ML5 North of A832

Broadland Properties Ltd (BPL) (04437) - Seeks expanded allocation to the east, or enhanced development potential on ML1-4 so that ML1-5 can seek developer contributions towards the full improvement of the A832/B9161 road junction

Knockbain Community Council (00303) - Knockbain Community Council support allocation (assumed).

Jeanette Pearson (04338) - Seeks removal, reduction or relocation of ML5

Summary of responses (including reasons) by planning authority:

General

Eric Butlin (04064) - The scale of development supported in Munloch is based on the housing land requirement identified in the Highland-wide Local Development Plan (HwLDP). This has resulted in land for 60 new homes being identified for the period 2011-31. The sites selected are considered to be the most suitable in the village based on a range of criteria. Accordingly, the Council believes the allocations should be retained.

ML1 East of Cameron Crescent

Broadland Properties Ltd (BPL) (04437) - An indicative capacity of 7 homes is appropriate as it reflects a density of roughly 25 homes per hectare. However it is acknowledged

that there is both higher and lower density developments surrounding the site. When it comes forward as a planning application consideration can be given to the precise capacity of the site and whether a capacity of 10 can be accommodated without impinging on residential amenity.

An increase in the allocation boundary to include the buffer planting area to the north referred to in the requirement for this site is resisted however it could be shown as an open space area to reflect the requirement.

A reduction in the allocation boundary at its eastern end is resisted as layout, boundary treatments, and siting within the plot can be determined in such a way that there is suitable protection of the residential amenity of existing properties. These amenity considerations are supported by policy 28 Sustainable Design of the HwLDP [CD1, Policy 28, Page 77-78] can be addressed through the detail of a proposal at the planning application stage. Accordingly, the Council believes the allocation should be retained without modification.

ML2 Brae Farm

Broadland Properties Ltd (BPL) (04437) - The density identified for this site was determined by the planning application granted rather than an assessment of what capacity it could potentially provide (so as to reflect the developers intentions and show an effective capacity). As stated by the development interest the capacity does not reflect the approach taken in similar sites elsewhere within the Plan area. If taking a similar approach of reflecting densities closer to historic (as opposed to more modern suburban densities) a density of at 20-25 homes per hectare is desirable to make effective use of land, and provide a mix of house types. The provision of a Design Statement and visualisations is also considered appropriate alongside a revised planning application that reflects Designing Streets with a high quality designed layout.

With regard to the Woodland Trusts concern the Council has HwLDP Policy 51 Trees [CD1, Policy 51, Page 102] and Development and Supplementary Guidance Trees, Woodland and Development which provide appropriate policy and guidance to ensure that development is setback the appropriate distance from trees.

Accordingly, the Council would support the development interests suggested change to requirements suggested for this site and an increase in the capacity to 70 homes (reflecting a density of 20 homes per hectare) should the Reporters wish to recommend it.

ML3 South of the Post Office

H.D Paul & Sons Ltd (04332), Broadland Properties Ltd (BPL) (04437) - This site should remain allocated as any potential amenity impacts will be dealt with through the planning application process. There have been no objections to the site selection of this site from Scottish Water, or the farmer, and HwLDP Policy 28 Sustainable Design [CD1, Policy 28, Pages 77-78] protects residential amenity should any mitigation need to be negotiated. This is one of the most suitable sites for development in Munlochy based on a range of criteria including its proximity to services and amenities, fit with settlement form, and good fit with landscape and visual considerations. Most of this site is not within prime agricultural land and the site is essential to the settlement strategy for Munlochy so its selection accords with Scottish Planning Policy.

With regard to the proposed extension to the east of ML3, the GCR does limit the extension proposed and where planting is appropriate. Whilst the Geological Conservation Review (GCR) area is not a Special Site of Scientific Interest it is an integral member of a national network of Quaternary sites which together represent relative sea level movements in Scotland, and demonstrates national patterns of isostatic uplift. The GCR is a feature of local/regional importance as acknowledged by Highland-wide Local Development Plan (HwLDP) policy 57 Natural, Built and Cultural Heritage [CD1, Policy 57, Pages 109-110] which provides some policy protection. However whilst this feature does limit extension further east this is beyond the development interests currently proposed extension (but within the H6 non preferred site from the MIR)[CD5, H6, Page 91].

The reason why the Council does not support the suggested extension site is because of concern over the impact of this level of development being served off a single access, and because there are already adequate and suitable sites identified within the village (please also refer to response under given under general). There will be a requirement to provide an additional pedestrian connection when any planning application comes forward however this does not fully address the Council's concerns. Accordingly the Council believes the allocation should be retained without modification.

Please note that the reference to the village hall car park in the Council's response to the Main Issues Report (MIR) consultation was an error, and it is acknowledged that access would be through main village car park.

ML4 North of Brae Park

Broadland Properties Ltd (BPL) (04437), Knockbain Community Council (00303) - The ML4 site should be retained for community use as the Sustainable Schools Estates Review is necessary before we can establish whether the site is required for primary school provision. The scale of the housing development allocated elsewhere within Munloch is appropriate and is based on the housing land requirement identified in the HwLDP. Land for housing (ML1,2, and 3) has been identified with capacity for over 60 new homes in the period 2011-2031. The plan has identified the most suitable sites for residential development based on a range of criteria. There is no need to identify more land for homes at this point and it should be for future Local Development Plan reviews to consider whether there is a requirement for any other community uses should it not be required for primary school provision. Accordingly, the Council believes the allocation should be retained without modification.

ML5 North of A832

Broadland Properties Ltd (BPL) (04437), Knockbain Community Council (00303), Jeanette Pearson (04338) - The potential landscape, visual and residential amenity impacts of the current ML5 allocation are considered to be of a nature than can be mitigated through the planning application process and through the requirements for "Landscape plan and Design Statement including structural planting to the north, east and western boundaries." The junction issue is of cause for concern but this would need to be addressed through this sites development and that is why there is a requirement for "Access through an improved A832/B961 junction from the Cullbokie leg." [CD6, ML5, Page 147]

However it is considered that there would be significant landscape/visual/village form and character impacts involved in extending development east beyond the existing ML5 boundary onto this prominent field. There are clear views to and from this site from within

the settlement and across the bay and the scale of this extended site and its prominence in the landscape would be unacceptable. Development here would also impinge on the openness of this landscape, and would impinge on important public views towards Munloch Bay. The proposed extended site would also adversely affect the compact form and the character of the village.

The development interest considers that the extended site would help to deliver the junction improvements. However this land is a sensitive gateway site and the existing B1 site already offers a significant development opportunity to help deliver the junction improvements desired whilst not resulting in unacceptable landscape, visual, settlement form and character impacts. Whilst the developer interest suggests that the capacity of other sites in Munloch (ML1-4) could be increased to help deliver this junction it is unclear how this could be considered a reasonable developer contribution in the case of ML2 and ML4 as future residents of these sites would not need to use this junction. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

General

1. The housing land requirement for the plan is derived from the Highland-wide Local Development Plan (HWLDP). The council has interpreted this as requiring site allocations in Munloch amounting to 64 homes on sites considered to be the most suitable in the village based on a range of criteria. As noted earlier in this examination report the HWLDP land supply targets are accepted as still relevant to this plan.

ML1 East of Cameron Crescent

2. Broadland Properties seeks an increase in the allocation from 7 houses to 10 and an increase in the area to encompass the buffer strip to the north bordering on the A832. The council accepts that such a buffer strip is integral to the development and that there may be capacity to consider a higher housing allocation for the site dependent on the particular design strategy for the development. In comparison with surrounding development I consider the density to be about right though I agree with the council that there may be scope for some alteration when detailed designs are considered. I therefore see no reason to modify the stated number of houses, which should remain as 7, leaving any reconsideration to the planning application stage of development.

3. The council suggest a reallocation of the buffer strip north of the site to open space to reflect the requirement for a buffer strip between the housing and the A832. The buffer strip is clearly needed to complement the housing on ML1 and I see little advantage in its exclusion from the development site. In the context of a clear statement within the plan's stated requirements for the site it would be protected from speculative development and retained as a buffer strip of planting. Its inclusion within the development site would however tie it to the protection of the amenity of the houses and allow for some flexibility of design. I therefore consider a modification of the plan to include the buffer strip within site ML1 to be appropriate. The site requirements clarifying the need for such a buffer strip would then apply to the whole expanded site.

4. The allocated site is surrounded on three sides by other housing and across the A832 by a proposed business site. Reduction of its eastern boundary as suggested by

representee (04338) would have no significant effect on the rural and open character of the area. Any issues of overlooking or loss of privacy to neighbouring properties would be considered at a detailed planning stage. In consequence I do not recommend any modification to the plan in response to this representation.

ML2 Brae Farm

5. Broadland properties' representation seeking an increased allocation of 70 homes is supported by the council. The plan allocation of 41 homes derives from an historic planning approval. There is no reason why the housing density on the site should not reflect that in similar surrounding developments. A density of 20-25 homes per hectare would make effective use of the land and offer the possibility of a better mix of house types. I therefore support a modification to the house numbers allocated to the site ML2 to increase it to 70 homes.

6. The matter of provision of a design statement and visualisations to accompany a revised planning application is a matter for the council when considering that application rather than requiring a modification to the plan.

7. With regard to the Woodland Trust's concern I agree with the council that there is sufficient protection for trees from the development policies in the HWLDP and in supplementary guidance.

ML3 South of the Post Office

8. Representee (04332) seeks deletion of the allocation as it is prime agricultural land. I agree with the council that the site is well placed in the village for the proposed uses and would fulfil the council's spatial strategy for development of the village. In this case I consider that the need to implement that strategy outweighs the loss of good agricultural land. There could be amenity problems associated with proximity to the adjacent farm buildings however the site is fairly large and is allocated for a range of uses including commercial and community uses in addition to a limited number of houses. Potential problems arising from proximity to the adjacent farm activities are a matter for detailed planning consideration and are covered by the development policies of the HWLDP.

9. Broadland Properties desire to see the site extended to the east and a removal of the indicative housing allocation for 16 homes. This is justified by the developer as providing the opportunity to sustain employment and make the overall development feasible. Whilst bigger developments with no limit on the housing capacity as proposed by Broadland Properties would probably make the development more feasible and deliver more employment there is no identified need within the village for this significantly expanded activity. The site would be expanded further into open countryside beyond the development area of the village, although I recognise there may be a limit to that due to the presence of significant geological features worthy of protection. I note the council's concern over the size of site and quantity of activity taking access through the main village car park onto the wider road network. It would appear that there are difficulties with obtaining secondary access to any eastward expansion other than by footpath. On balance with little justification for expansion and clearly identified problems of access I consider that at this time the proposed modification cannot be justified.

ML4 North of Brae Park

10. It is not possible at this stage to say whether the site will be needed for education use until such time as the Sustainable Schools Estates Review has reached a conclusion. Neither is it possible to make assumptions about the future occupation of the entire site or to make assumptions about the potential release of land for a mixed development. With respect to Broadland Properties' desire to see a low density residential development as part of a mixed development of the site, although there is a shortfall in the housing land supply for the Mid Ross HMA compensating surplus supply elsewhere in the plan area means that no more is needed at this time.

11. In consequence I consider that the plan site allocation should not be modified.

ML5 North of A832

12. This is a prominent site, on the edge of open countryside. It is largely derelict land and its development offers opportunity to improve the appearance and to utilise this unique site with its iconic views over Munloch Bay from the eastern end. Whilst there is always a danger of such a prominent site adversely impacting on the views from the surrounding area and having a disproportionate effect on the rural character of the village I am confident that the statement of requirements in the plan together with the development policies of the HWLDP can safeguard both the appearance of the development and its impact on the surrounding area.

13. I note Broadland Properties desire to see the site extended eastwards, presumably along the A832 to enable a bigger site with greater development opportunity. This it is proposed, together with increased housing allocations in all other Munloch sites would enable a significant developer contribution towards the improvement of the adjacent road junction. I concur with the council that such a linkage would most likely be contrary to current guidance on developer contributions or the terms of any planning obligation. Whilst I have agreed with Broadland Properties view on several of the Munloch sites it was with respect to the characteristics of those sites and not in anticipation of any developer contribution towards road junction improvement for ML5.

14. I agree with the council that the site already offers a significant development opportunity sufficient to deliver some junction improvement. It remains for the development process to consider whether junction improvements able to be funded by developer contributions are sufficient to enable planning permission. Extension of this already very prominent site beyond the area in need of redevelopment into open countryside well beyond the development area of the village cannot at this stage be justified to meet the overall spatial strategy for the village. In consequence I consider that the plan should not be modified.

Reporter's recommendations:

It is recommended that:

1. The buffer strip to the north of site ML1 be incorporated into the housing allocation.
2. The housing capacity of site ML2 Brae Farm be modified to 70.

Issue 46	North Kessock	
Development plan reference:	(Para 4.162, Page 148)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Knockbain Community Council (00303) Peter Rattray (01079) Friends of the Earth Inverness (01208) S Kinsella (03980)	Peter Grant (03981) Elaine Thoms (04041) Sonia Wayman (04396) Broadland Properties Ltd (BPL) (04437) Paul MacLean (04451)	
Provision of the development plan to which the issue relates:	North Kessock	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>Extension to the Settlement Development Area (SDA)</i></p> <p>Elaine Thoms (04041) - Seeks amendment of the SDA to include land north west of Rover Cottage so she can build a house here and care for her mother who resides at Rover Cottage.</p> <p><i>New Sites Previously consulted on</i></p> <p>Peter Rattray (01079) - Seeks reallocation of two housing sites [01079 NK General/1, Site Plan] from the Ross and Cromarty East Local Plan [CD3 Evanton Deephaven and North Kessock Map Inset] for the following reasons: whilst general policies may support residential development within the Settlement Development Area their allocation would bring comfort and assistance; and the areas are suited to such development and provide a balance and variety of opportunities throughout the settlement.</p> <p><i>Introductory text</i></p> <p>Knockbain Community Council (00303) - Knockbain Community Council consider there is need for amendment to the following: Para 4.162 (NK1 and NK2) because: the strip of land would make an ideal community allotment and there are already leylandi growing in close proximity to the high pressure gas junction so safety issues may not be significant. Para 4.163 because: it is illogical to state that North Kessock has "facilities beyond expectations"; and at the same time advocate the opening of a new petrol station with a shop, and; new facilities are not always in accessible village centre locations.</p> <p>Para 4.163 because: the narrow road into Craigton is under an imminent threat of collapse, will require major reconstruction which would be made easier by the retention of a protected corridor to allow engineering access.</p>		

Para 4.164 because: the footpath link under the Kessock Bridge does not require a massive engineering project and this would encourage more people (especially under 20) to use the many buses crossing the bridge which do not call in at North Kessock.

Friends of the Earth Inverness (01208) - Seeks improved access to bus services through improved linkage to bus stops at Craigton and Charleston (which are used more frequently by bus services). Transport Scotland have agreed that it is possible to convert the unofficial route along the culvert and round the cage under the span to a proper cycle path. Whilst a bus stop has been provided at Charleston there are no plans for its use, therefore a link path from the Charleston layby directly to the housing and a footbridge/link via the Kessock underpass for buses stopping at the layby on the other side for the return journey is sought.

NK1 Bellfield

S Kinsella (03980) - Seeks removal of NK1/removal of use as petrol station (assumed) for the following reasons: impact on residential/environmental amenity; impact on wildlife; increased traffic - safety concerns.

Peter Grant (03981) - Considers that no expansion is possible near the A9 due to the gas main line, is concerned about capacity at school and surgery for residential development, but is less concerned about the other uses proposed.

Sonia Wayman (04396) - Seeks reduction of NK1 allocation and inclusion of a landscape buffer zone between the development and Charleston for the following reasons: to respect the character and setting of Charleston; to avoid encroachment/visual impact on the traditional character and rural landscape of Charleston.

Broadland Properties Ltd (BPL) (04437) - Seeks extension of land at NK1 to include land north of the main roundabout access: this respects the extant planning permission 07/00876/REMRC [THC NK NK1 Page, Site plan from planning permission] for an integrated mixed development with open space, tourism, leisure and recreation facilities. Whilst this is not viable in current market conditions it benefits from an extant planning permission and should be included.

Paul MacLean (04451) - Considers that NK1 is unsuitable for industrial development due its impact on residential amenity and the position of high pressure gas main.

NK2 West of Bellfield Cottage

S Kinsella (03980) - Seeks restriction from industrial uses/or non tourist related business for the following reasons: industrial units would be better suited to brownfield sites in Inverness; road safety issue and loss of residential amenity.

Broadland Properties Ltd (BPL) (04437) - Seeks extension of NK2 that was preferred in the Council's Main Issues Report (MIR) [CD5, NK2, Page 89] for the following reasons: appears that Council is reacting to pressure from local community; requires extended site to give critical mass to make viable/financially attractive, flexible and marketable to developers; confining the area to the extant permission will not leave much room beyond the golf clubhouse, hotel, leisure facilities and self catering accommodation; considers that additional allocation would not require transport assessment as the master planned land was enhanced with a 32 million grade separate access; the additional allocation will

maintain core path and amenity value; and loss of additional prime agricultural land is not a key planning issue because the principle of developing the surrounding area for a golf course was accepted through granting of the planning permissions.

Considers the planning permission requirement for tourism and other associated development to be predicated on the golf course development outdated for the following reasons: Castle Stuart has taken up much of the demand and clubs are more welcoming than ever to non members; it will be a considerable length of time before there is sufficient demand for a new golf course.

Peter Grant (03981) - Considers that no expansion is possible near the A9 due to the gas main line, is concerned about capacity at school and surgery for residential development, but is less concerned about the other uses proposed.

Knockbain Community Council (00303) - Knockbain Community Council considers that (NK2) adopted local plan position should be maintained and there would be benefits for existing residents.

Modifications sought by those submitting representations:

General

Extension to the Settlement Development Area (SDA)

Elaine Thoms (04041) - Seeks amendment of the SDA to include north west above Rover Cottage.

New Sites Previously consulted on

MIR sites H2 and H3

Peter Rattray (01079) - Seeks reallocation of these two housing sites.

Introductory text

Knockbain Community Council (00303) - Knockbain Community Council consider: Para 4.162 (NK1 and NK2) because: the strip of land would make an ideal community allotment.

Para 4.163 remove statement that North Kessock has "facilities beyond expectations";

Para 4.163 refer to retention of a protected corridor to allow engineering access.

Para 4.164 provide fuller reference to the need for a footpath link under the Kessock Bridge.

Friends of the Earth Inverness (01208) - Seeks improved access to bus services through improved linkage to bus stops at Craigton and Charleston (which are used more frequently by bus services) a link path from the Charleston layby directly to the housing and a footbridge/link via the Kessock underpass for buses stopping at the layby on the other side for the return journey is sought.

NK1 Bellfield

S Kinsella (03980) - Seeks removal of NK1/removal of use as petrol station (assumed)
 Peter Grant (03981) - Considers that no expansion is possible near the A9 and is concerned about capacity at school and surgery for residential development

Sonia Wayman (04396) - Seeks reduction of NK1 allocation and inclusion of a landscape buffer zone between the development and Charleston

Broadland Properties Ltd (BPL) (04437) - Seeks extension of land at NK1 to include land north of the main roundabout access: this respects the extant planning permission 07/00876/REMRC for an integrated mixed development with open space, tourism, leisure and recreation facilities.

Paul MacLean (04451) - Considers that NK1 is unsuitable for industrial development

NK2 West of Bellfield Cottage

S Kinsella (03980) - Seeks restriction from industrial uses/or non tourist related business.

Broadland Properties Ltd (BPL) (04437) - Seeks extension of NK2 that was preferred in the Council's MIR.

Peter Grant (03981) - Considers that no expansion is possible near the A9 and is concerned about capacity at school and surgery for residential development.

Knockbain Community Council (00303) - Knockbain Community Council considers that the adopted local plan position should be maintained (restricting to leisure and tourism and excluding business use).

Summary of responses (including reasons) by planning authority:

General

Extension to the Settlement Development Area (SDA)

Elaine Thoms (04041) - The Plan position reflects the existing Ross and Cromarty East Local Plan because of the local road network issue [CD3, Housing 2. Page 98]. Advice from the Council's roads colleagues is that the upper road is extremely steep and narrow and has no spare capacity for development. Accordingly the Council considers that this land should remain outwith the SDA.

New Sites Previously consulted on

Peter Rattray (01079) - This concerns sites H2+H3 which were non preferred in the MIR [CD3, Page 89] and given the sites do not offer opportunity for 10 plus houses they do not need to be allocated and can remain within the Settlement Development Area where the presumption is in favour of development subject to the application of the general policies of the Highland-wide Local Plan.

The Council's roads advice confirmed that no development should be supported at Craigton if it is to be served from the road network beyond the Eriskay and Craiglea bend in the road. There is also an amenity concern for development here due to its proximity to the A9 and this will constrain the suitable opportunities here. Reference is therefore made to the potential for some new housing at Craigton where it is accessed from before the junction at Craiglea/Elderbrae and Croft, and limited to where suitable amenity can be achieved. This is to ensure the Plan is clear as to the constraints that will significantly affect development opportunities at Craigton. Furthermore it is considered that the choice and flexibility in the housing land supply is not harmed by their inclusion within the Settlement Development Area in the Plan. However should the reporter wish to support it a change could be made to the last sentence of 4.163 to provide clarity rather than change the meaning. This would amend the sentence to state, "More limited new housing development opportunity exists to the west at Craigton but these opportunities are limited by amenity factors, and by the local road network which requires that any new development must be accessed from before the junction at houses Craiglea/Elderbrae and Croft."

Introductory text

Knockbain Community Council (00303), Friends of the Earth Inverness (01208) - The approved masterplan which accompanies the extant 07/00876/REMRC planning permission for the Bellfield proposals secure adequate setback and then structural planting adjacent to the high gas main for safety reasons and to provide more visual containment for the site, with other open space and amenity areas identified elsewhere across the masterplan site. [THC NK, General/1, Outline landscape plan] The intended use of these open space and amenity areas is best considered through the detailed planning application/s as they come forward on the NK1 site, looking at what the existing green/open space provision is within the area and identifying the deficiencies. Planning permission has already been secured in principle for a tree and open space management plan, and detailed permission has been given for a kick about pitch and for a play area.

The Council would support a rephrase of the reference to facilities and services "which are beyond expectations" to something like "benefits from a good range of services and facilities" should the Reporters wish to recommend it.

The Plan acknowledges limitations in the capacity of the road network at Craigton and restricts the new development opportunities to those that can be served from below the Craiglea/Elderbrae and Croft. Beyond this junction the Plan recognises that the road does not have capacity for further development and therefore opportunities for future road improvements within this section would not be prejudiced.

Where appropriate access improvements are being secured through the outline planning application approved and the detailed applications as they come forward at Charleston, and there is also a reference to the requirement for footpath link under the Kessock bridge. However if the Reporter wishes the Council would support an amended reference to the importance of securing a footpath link under the Kessock Bridge to provide access to more regular bus services.

NK1 Bellfield

S Kinsella (03980), Peter Grant (03981), Sonia Wayman (04396), Broadland Properties Ltd (BPL) (04437), Paul MacLean (04451) - The planning history of this site is that outline

proposals were approved for further housing, recreation land, community and commercial facilities at Bellfield Farm in July 2005 (covering NK1 and NK2). Then a reserved matters application (07/00876/REMRC) was permitted in January 2008 which covered layout of roads and footpaths to service formation of one hundred and twenty nine house sites, petrol filling station, two commercial developments, golf course, club house, hotel, holiday lodges and associated roads, services.

This reserved matters permission is extant (as the development has started and therefore it has secured the planning permission in perpetuity) with some phases of its development completed. However NK1 does not show the petrol station within the allocation (approved layout plan attached)[THC NK NK1]. This is part of an extant planning permission which the uses of "filling station" for NK1 reflects but the allocation site area does not. NK1 is not identified for industrial uses given its proximity to existing and proposed residential areas and any detailed application for the commercial area are required as per the planning permission "to be a maximum height of two storeys and not overlook housing area". It is considered that it benefits from an extant planning permission and that in any case the nature of the objections to the commercial/petrol station area can be addressed when any detailed application is made impact on residential amenity will be assessed.

The extant planning permission masterplan ensures adequate setback from the high pressure main with structural planting proposed along this boundary but sufficiently setback from the high pressure gas main. However with regard to the suggested reduction of NK1 to provide a landscaped buffer between Chareleston and the proposed development this is not in accordance with the extant permission. The extant permission does however secure retention of the existing amenity corridor running from Bellfield House to the south and flanking the burn, and covers new structural planting around the boundaries of the NK1 and NK2 site, predominantly within a 40-70m strip to the western boundary of NK1, and includes reinforcement of established areas of woodland including the oak avenue covered by a tree preservation order, and amenity planting at other integral parts of the site. [THC NK, General/1, Page - Outline landscape plan] These are considered to be more appropriate areas for landscaping and amenity as the layout responds to natural features and provides structural planting to define the settlement, also this layout helps ensure good connectivity between the proposed and established residential areas which is preferred over their separation.

The school roll forecast for North Kessock Primary (which takes account of projected future development) indicates that the school is running at 96% of its capacity and shows that the capacity is projected to exceed the current capacity [THC NK1/2 School Roll Forecast].

In light of the above the Council is supportive of the extant permission and would support a change to the allocation boundary to include the petrol station part of the planning permission 07/00876/REMRC should the Reporter wish to recommend it.

NK2 West of Bellfield Cottage

S Kinsella (03980), Broadland Properties Ltd (BPL) (04437), Peter Grant (03981), Knockbain Community Council (00303) - NK2 also benefits from the extant permission 07/00876/REMRC and its masterplan ensures adequate setback from the high pressure main with structural planting proposed along this boundary but sufficiently setback from the high pressure gas main.

The Plan content mainly reflects the provisions of the reserved matters planning permission however the Plan position widens the uses for this site to include business uses [CD6, Page 150]. Some extra flexibility in the associated uses is afforded to improve the marketability of a golf course development which is a key element of the settlement strategy. However the business use (and leisure and tourism) should still be predicated on delivery of the golf course development. NK2 does not include industrial uses as an acceptable use. Furthermore any impacts on residential amenity will be considered and dealt with through the detail of the planning application process and the approved masterplan already provides for a 40-70 metre strip of structural planting to the west of NK1.

Development of the proposed expansion site (as shown in the MIR) would require that the core path is retained, whilst maintaining or enhancing its amenity value. However whilst there are no additional natural, built or cultural heritage features the extended site would result in loss of additional prime agricultural land, and increases the scale of the built development and its landscape and visual impact. The principle of developing part of the extended area for a golf course development does not establish the principle for other forms of development. The golf course and leisure uses are key to the settlement strategy for North Kessock and make the loss of this prime agricultural land acceptable. A wider business, tourism and leisure allocation is not key to the settlement strategy and the suggestion that a larger allocation is required to make the overall development viable is not sufficiently substantiated and would presumably increase the land take of prime agricultural land to secure the golf course.

Reference is made to Scottish Planning Policy which states that the use of prime agricultural land is considered acceptable where it forms an important part of the settlement strategy. There is not a sufficient basis from the developer interest submissions to establish that this extended site is required to make a golf course and associated development here viable. Also the proposed extension would increase the built development scale, would be visually more prominent in views from the Trunk road, and have impacts on the character and appearance of North Kessock. Accordingly the Council considers that this site should be retained without modification.

Reporter's conclusions:

General

1. Regarding the request of representee (04041) for extension of the settlement development area (SDA) I note the council's assessment of the unsuitability of the access and hence the lack of further capacity for development. I do not therefore consider that a plan modification to extend the SDA would be appropriate.

2. The land supply noted in the Highland-wide Local Development Plan (HWLDP) has been accepted in this examination as still relevant to this plan. Although there is a shortfall in housing land supply in the Mid Ross HMA surplus provision elsewhere in the plan area mean that there is no need for new housing sites to be included in the plan at this time. I note that one representee has referred to former sites H2 and H3 both of which were smaller sites for less than ten houses. These are located within the SDA and would therefore be available for development providing they meet the development criteria in the development policies of the HWLDP which would include the suitability of the environment close under the Kessock Bridge approach viaduct. I appreciate that

formal allocation may provide greater certainty in raising finance for such development and the council have expressed no other concerns. However the sites are little if any different to other smaller sites within the SDA which can offer a windfall supplement to the required housing land supply. I therefore consider that their formal allocation in the plan is not necessary.

3. I note that future development at Craigton would be problematic in terms of getting good access. I consider however that the plan makes this clear in paragraph 4.163 and does not therefore require amendment. I also note the community council objection to the reference to the village as having facilities and services beyond expectations. This appears to be a statement of fact which underpins the council's strategy for expansion of the settlement to utilise its location accessible to Inverness. North Kessock is not in either the Inverness to Nairn or the Ross-Shire growth corridors and its anticipated growth is largely limited to those sites already having planning permission and in consolidating the planned growth with limited further commercial activity. I have no reason to conclude that this anticipated growth would undermine the vitality of local shops and other facilities. I do not therefore consider that the introductory text needs modification in this respect.

4. I note the absences of direct references to improving and encouraging public transport, cycling and walking to more easily accessible bus stops for Inverness. These are matters which are likely to be addressed by the council in implementation of its transport policies. Whilst reference to the need for these would have improved clarity of the council's strategy in the introductory text I do not consider this need be a matter for modification. Addressing the issue more directly in a review of the plan would be sufficient.

NK1 Bellfield

5. This site has an extant detailed planning permission which is being implemented. Deletion of the site is therefore not an option. Similarly further detailing of the site requirements would serve little if any purpose. I have no doubt that if sufficiently complete the site will be removed from subsequent revisions of the plan as being complete. The existing master plan, reserved matters detailed approvals and Section 75 Planning Obligations appear to deal adequately with outstanding matters of safety from the high pressure gas main, landscaping and the preservation of local amenity. Further specification of requirements on these matters is not therefore required.

6. I note that the petrol station site is included within the extant permission and forms an integral part of the development of the site but is not part of the allocated site. A modification to amend the allocation boundary to comply with the current planning permission, as suggested by both the council and Broadland Properties would clarify the current and projected stages of development.

7. I note that the primary school is running at 96% of capacity and that this includes allowance for increases arising from the currently permitted and projected development in the village.

NK2 West of Bellfield Cottage

8. This site is also subject to the extant planning permission referred to above. Essentially NK2 is provision of a golf course and associated business activity, all to improve the tourist offer. This is a key part of the council's spatial strategy for the village.

Although the acceptable uses are widened in the plan to include business use as well as that permitted under the extant permission this is predicated on safeguarding the site of the golf course and linking other leisure or business activities to its completion.

9. Broadland Properties contends that there is little chance of the golf course being able to underpin the level of commercial development which would be necessary to make the development of the site viable and that the current site boundaries offer little room for these additional commercial activities. In consequence they want the allocation expanded into open countryside citing the imperative to implement the strategy as outweighing the loss of agricultural land.

10. The current development recession may well have created a more hostile environment for attracting inward investment for the kind of development envisaged on NK2. Even if the development of the Castle Stuart golf centre has increased competition there is little hard evidence offered by the representee to reinforce the case for an expansion of the site and creating more business land not linked to the golf course development. I agree with the council that it is too early to say that the underlying strategy for creating a golf and related leisure development is unfeasible. Were that to be the case that aspect of the council's strategy for the village development should be reconsidered as part of a plan review rather than the result of a modification at this time. I do not therefore recommend modification of site NK2.

Reporter's recommendations:

It is recommended that the boundary of site NK1 be amended to include proposed petrol station as in planning permission 07/00876/REMRC.

Issue 47	Seaboard Villages	
Development plan reference:	(Para 4.165, Page 150)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Nigg & Shandwick Community Council (00313)	John MacIntosh of Broomhill (04438)	
Provision of the development plan to which the issue relates:	Seaboard Villages	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>John MacIntosh of Broomhill (04438) - Objects to the safeguarding of 0.35 ha of land at the north end of Shandwick within the Seaboard Villages Settlement Development Area (SDA) as open space, indicated on the attached map. The land is identified as Amenity in the Ross and Cromarty East Local Plan. Concerned that this designation implies that it is in public ownership and that it is freely available for people for recreational purposes, site is located to the west of coastal footpath and to the south is a public car park with path to the beach; informal path links from Park Street and Shore Street to the beach along the north east and south peripheries of the land, but does not fulfil any formal role as open space. Land purchased long before allocation as amenity/open space; intention being to progress forward proposals for a small scale infill housing development including a home for his retirement.</p> <p>Site has access to services and can be considered more effective allocated sites in the Plan which have remained unserviced and undeveloped after many years in the Plan. Site has potential to meet identified need for housing growth in the area Consider that the site has capacity for 4 or 5 houses. Seeks allocation of site for development, 4 to 5 units, or as unallocated land for infill opportunity. [04438 SB-GEN1 Location, framework and ownership plans] [04438 SB-GEN2 Site photos]</p> <p><u>SB4 Land south of Shore Street</u></p> <p>Nigg & Shandwick Community Council (00313) - Believes that careful thought needs to be taken as to the proper mix of houses. business (shop) and tourist accommodation to blend in with the rest of the area</p>		
Modifications sought by those submitting representations:		
<p><u>General</u></p> <p>John MacIntosh of Broomhill (04438) - Seeks the allocation of 0.26 ha of land North East of Shore Street, Shandwick with a capacity of 5 houses, or for the site to be</p>		

unallocated. Inclusion of developer requirements that development should reflect pattern of surrounding development, setback from coastal path, a landscaping scheme, Flood Risk Assessment and maintaining peripheral path links to the coastal path and beach

Summary of responses (including reasons) by planning authority:

General

John MacIntosh of Broomhill (04438) - The open space safeguards are in place to maintain the open seafront aspect and views along the coastline. The site referred is closely related to the coastline walks and forms part of the wider open space adjacent the shore, however the land does not appear to have any recreational amenity value itself. The existing development pattern adjacent the site does indicate that there is potential to deliver development without impacting on the wider recreational use of the coastal area. Any development of the site would need assessment of the level of development that could take place without detriment to wider amenity. It is also considered that the limited development potential of the site indicates that this site has potential for infill development. As the area identified does not appear to provide any function from which the general public derive an amenity value it may be considered appropriate to remove the safeguard from this area. The Council would support such a change should the Reporters wish to recommend it.

SB4 Land south of Shore Street

Nigg & Shandwick Community Council (00313) - The site allocation indicates that a mix of uses is appropriate for the development of the site. 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 and mix of development. [CD1: Highland wide Local Development Plan, Policy 28 and Policy 34, pages 77 and 85 respectively]

Reporter's conclusions:

General – John MacIntosh of Broomhill (00313)

1. At present this site forms part of an elongated strip of land stretching along the shore from the southern end of Shandwick north to the harbour that is allocated as open space. The strip is effectively a carry-over from designation 14 Amenity of the Ross and Cromarty (East) Local Plan. A coastal path runs the length of the strip and is served by a car park located close to the south-east corner of the site. There is open space on both sides of the path, that to the east being open to the sea.
2. The landward boundary of the strip follows an irregular line along the edge of the back gardens of houses that front onto Shore Street and Main Street. This irregular boundary is such that the site at issue can be seen as an infill site with existing development on three sides and the fourth open towards the sea. Because of this, and the fact that the attraction of the coastal footpath is the open aspect of the sea, the site has little in the way of formal amenity value.
3. I note that the council also does not consider the site to have any great amenity value, and is willing to see it removed from the amenity designation. In the circumstances just

set out I agree with this. The representee is happy to see the site removed from the amenity designation and left as unallocated land. As this is within the settlement boundary it would then be open to infill development complying with general planning policies, and in particular Policy 28 Sustainable Design and Policy 34 Settlement Development Areas in relation to the delivery of an appropriate design and mix of development within the Highland-wide Local Development Plan. Such development would also contribute to windfall housing numbers discussed in paragraph 2.11 of the proposed plan. The plan should be modified accordingly.

SB4 Land south of Shore Street - Nigg & Shandwick Community Council (00313)

4. Designated site SB4 lies at the southern end of Shandwick and is allocated for 23 homes and business and tourism uses. The development of the site will be subject to the relevant development plan policies, notably 28 and 34 of the Highland-wide Local Development Plan as referred to above. This will ensure that the issues raised by the Community Council will be taken fully into account. There is no need for any modification to the plan.

Reporter's recommendations:

It is recommended that the area of ground to the north of Shore Street and west of the coastal path, as shown on drawing number PL001 submitted on behalf of Mr John MacIntosh of Broomhill, be removed from the amenity designation to become unallocated land within the settlement boundary.

Issue 48	Strathpeffer	
Development plan reference:	(Para 4.170, Page 152)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Strathpeffer Community Council (00321) The Castle Leod Maintenance Fund Trustees (00607) Alastair Dunbar (01015) Caroline Rham (02237) David Cameron (04191) Ian Cherrett (04192) Margaret Bluefield (04259) Jacobus de Man (04267)	David John (04270) Strathpeffer Spa Railway Association (04335) Paul Stariski (04374) Angus Macleod (04421) Esmee Scott (04456) Jock Watt (04515) Elsie Watt (04522)	
Provision of the development plan to which the issue relates:	Strathpeffer	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Strathpeffer Community Council (00321) - Asserts additional detail should be provided in paragraph 4.173 of the Proposed Plan to make reference to the railway station hosting the Museum of Childhood; reintroduction of a steam railway and that housing growth 'will now' be directed to the western fringes of the settlement.</p> <p>Wishes references to drainage matters to be provided in a new paragraph to provide clarity.</p> <p>Ian Cherrett (04192) - Requests further information on what is meant by 'draft a Conservation Area Management Plan'.</p> <p><i>Settlement Development Area</i></p> <p>Ian Cherrett (04192) - Wishes expansion of settlement development area to include site for two homes north west of proposed settlement development area (shown in maps supplied, reference 57 35'20 to 23 N and 4 32'30 to 38 W) [04192/SP General/1] to allow sister to build retirement house in near future because: it forms natural part of urban area and is too small for agricultural use. Questions how to proceed.</p> <p><i>New Sites Previously Consulted On</i></p> <p>The Castle Leod Maintenance Fund Trustees (00607) (00607) - Wants allocation of Main Issues Report (MIR) site reference H1 [CD5, Strathpeffer Site H1, Pages 94-95] for housing as per the existing allocation in the Ross and Cromarty East Local Plan [CD3,</p>		

Ref 4, Strathpeffer, Page 104 and CD3, Ref 4 Strathpeffer Inset Map] because: no justification for removal of site as nothing has changed since allocation in Ross and Cromarty East Local Plan; tree and impact surveys would be provided with planning application; impact on ancient woodland by access road would be limited to minimal loss of trees (less than 10) and compensatory planting would be provided; alternative access options will be explored; if improved or new junction is provided to public road any impact on tree avenue will be minimised; proposed increased scale of development proposed in submission to MIR [00607/SP General/1] not sufficient reason to drop site; layout drawing was presented to promote effective use of land and green space and not in response to any concerns raised by Strathpeffer Community Council; visual impact can be mitigated by planting; scale and massing would be informed by Conservation Area Management Plan that the Council have committed to preparing; adequate buffer area between ancient woodland at site boundaries would be provided; adequate green space would be provided within the site; MIR identified the sites enclosure by mature woodland a pro given that it would limit landscape impact; final site capacity/density would ensure a mix of housing, including affordable and a green buffer to safeguard Strathpeffer Conservation Area; public benefits of scheme do justify any loss of ancient woodland – opportunity to prepare Tree Management Plan to safeguard and enhance amenity value of woodland; would provide affordable housing; improve links and public access to Eaglestone Scheduled Monument; improve access to woodland and golf course amenity land; is an effective site – allow Strathpeffer and wider area to achieve housing targets by reducing dependency on single housing site which is constrained; site would be accessible by a choice of transport options due to new active travel connection via Eaglestone Scheduled Monument and is within five minutes walking distance of village centre.

Strathpeffer Community Council (00321) - Wishes site NS16 'North of Former Railway Station' considered during Alternative Sites and Uses Consultation [THC SP General/1, Para 7.20.1] to be allocated for business use because: all communities should have employment opportunities within their own settlement; small workshop/office provision should be integral to community plans and is a long term plan – if landscaping were planted now this would screen site in 10 to 15 years.

New Sites Not Previously Consulted On

Angus Macleod (04421) - Wants the allocation of site for four homes at Coulwood (as shown in map supplied [004421/SP General/1]) because: private access can be provided consistent with Council design guidance (illustrated on annotated map supplied [004421/SP General/2]); proposed significant area of new woodland (subject to forestry grant and maintenance requirements) would: contain development of the site to the south; provide a substantial new landscaped edge to settlement; provide a strengthened transition between built form and countryside; provide a stronger landscaped town boundary; stop any visual impression of ribbon development and enhance wooded character of area; design and layout complementary to character of area; consistent with policy aim of modest housing expansion; close proximity to proposed settlement boundary; utilise and improve appearance of redundant farm land; infill site; incorporates public footpath connection to new woodland to Blackmuir Wood diversifying the local footpath network; valuable contribution to Strathpeffer's housing land supply; would not harm Strathpeffer' setting; no impact on amenity on neighbours; no environmental or nature impacts; reasons for refusal of planning application 10/03364/PIP for one house (new housing in hinterland without justification; loss of open countryside character; ribbon development; outwith well-defined settlement boundary of Strathpeffer and adverse effect on visual amenity) can be overcome by current proposal and site associated with planning

application 10/03365/PIP to the south is excluded from current proposal.

SP1 Kinellan

David Cameron, Elsie Watt, Esmee Scott (04191, 04522, 04456) - Objects for one or more of the following reasons: location of site because: adequate supply of housing land to north of Strathpeffer Community Centre; no provision for increasing capacity at Kineallan Drive and Garden Hill/Main Road junction; road safety issues associated with additional traffic and conflict with nearby junction to Blackmuir Woods that has inadequate sightlines; adverse impact upon nearby Loch Kinellan which is an important wildlife and recreation area; negative impact on the special character and attractiveness of Strathpeffer Victorian Spa Village; would result in continuation of urban sprawl and Strathpeffer becoming a dormitory town; tests have shown site is not suitable for housing due to existing water logging issues during inclement weather; increased risk to flooding to existing properties; loss of private view and devaluation of property and increased noise.

Wishes requirement for high barrier between existing houses and development to screen views if allocation remains.

Strathpeffer Community Council (00321) - Wishes amendment to requirements to include hydrological survey which includes cost of remedial works due to existing surface water drainage issues; integration of affordable housing throughout development; proportion of sheltered housing to meet the needs of an aging population; cycle links and green belt between village and Loch Kinellan.

Believes no further development should be permitted until the existing Victorian drainage system is upgraded/repared as holding tanks must run off at some point; drain covers and tarmac lifted in the past due to poor surface drainage; development would increase risk of flooding and earlier schemes have not been effective, although note that this may also be due, in part, to clear felling or Ord Wood.

Asserts there are existing integration issues between the two ends of the village, concerned 67 houses is considerable increase whilst noting it is a 20 year plan.

Alastair Dunbar (01015) - Wishes expansion to include land at south west (as shown on map supplied [01015/SP1/1]) because: important settlement to accommodate supporting services, facilities and homes for expanding Ross-shire workforce and population; attractive settlement capable of attracting growth; size of allocation is not sufficient to meet future housing demand; more logical boundary than proposed that has no boundary feature; development of existing site would mean proposed expansion area is of limited agricultural value due to its size; limited landscape impact; less impact upon Slavonian Grebe breeding site than other parts of SP1; natural extension of site; share vehicular access, services and drainage with SP1 and allow for more holistic landscape design that would contribute to enhancement of adjacent Tree Preservation Order and reflect character of outstanding Conservation Area.

Asserts that existing surface water drainage issues are responsibility of Scottish Water and should be resolved at the earliest opportunity. SUDS will be utilised in development of SP1 that can improve historic drainage problems.

Amend requirements to exclude site capacity as this is dependant outcome of masterplan; add requirement for SP1 to be consistent with Highland-wide Local Development Plan

(HwLDP) Policy 28 Sustainable Design and Policy 29 Design Quality and Placemaking.

Caroline Rham (02237) - Wishes extension to SP1 to include land at Kinellan (as illustrated in map supplied [02237/SP1/1]) to allow for a single house to rear of existing farm house to: restore farm house to its original aspect and affiliated farm buildings (now demolished); would replicate design and appearance of original steadings (sketch plan of 'coach house' supplied [02237/SP1/2]); would use energy efficient materials; site is for young family member who wants to remain in the area; planning consultant considers there is a precedence for subsidiary buildings associated with the farmhouse as such a new house in the form of a traditional steading would complement the farm house and provide a visual link; limited visual due to topography of site; ensure wildlife habitat of Loch Kinellan is not compromised and commit that no further residential development would be promoted on the site.

SP2 Railway Station

Strathpeffer Spa Railway Association, Strathpeffer Community Council (04335, 00321) - Asserts site is in wrong location because: the Strathpeffer Spa Railway Association proposal will not now enter into the old station but plans to re-open a stretch of the old track with an operation base next to the Waste Water Treatment Works. Notes that a planning application has been lodged for this development (reference: 13/03899/FUL).

Paul Stariski, Jacobus de Man, Margaret Bluefield, Jock Watt, David John (04374, 04267, 04259, 04515, 04270) - Object for one or more of the following reasons: incompatible with existing peaceful residential and business area within Conservation Area due to creation of excessive noise (created by steam engines, whistles and general industrial noise), dirt, dust and steam (within and outwith normal working hours); dangers associated with delivery of a significant amount of equipment and fuel; impact existing footpath network - route proposed is already a well-used signposted footpath and farm access, also used for Knockfarrel Hill Race; incompatible plan for footpath/cycleway between Strathpeffer and Dingwall – route currently being promoted as a public footpath/cycleway linking to Dingwall; Strathpeffer Community Association is currently raising funds for this – the two projects are not compatible; footpath/cycleway preference - greater community benefit as would promote low carbon, safe transport for school children, commuters and tourists; alternative to cycling dangerous road between Strathpeffer and Dingwall and would preserve wildlife habitats; piecemeal development – current proposal is for phase 1 which is a very short length of track not worthwhile for users, longer term aim is to extend track to main line to enable steam trains to run to Dingwall and Kyle of Lochalsh – whole project should be considered at once in planning terms; adverse visual impact – Cat's Back and Knockfarel would be defined by 'linear scrap heap'; industrial paraphernalia would blight conservation village; result in soil heaps; unsuitable vehicular access – existing access already unsuitable for level of traffic it services, visibility splays are limited; unsuitable for heavy haulage; would require new entrance with suitable visibility splays, level ground and hardstand area; 'Dream' promoted by small number of people - lack of public consultation and support – technical studies not been disclosed; consultation should take place across the whole of Wester Ross; planning blight in residential area of Strathpeffer Conservation Area; excessive project cost – line and associated buildings and stock would cost approximately £6 million; understand existing resources are limited; impact on existing heritage railways - two existing heritage railways in the Highlands are already struggling financially, further competition could result in the closure of all three; lack of heritage – no major artefacts left for a museum – exhibits would be limited to material already published and freely available; would complete with 'Kyle Line' museum; not viable – no viability

study available; existing small railways not in healthy financial position and some have failed; proposed standalone interpretation centre would not be able to raise sufficient funds to pay for its running costs; difficult to sustain long term - if project is unsuccessful could result in an eyesore of legacy of rusting scrap metal; lack funding – unlikely to be eligible for funding due to local opposition, lack of tourism or economic merit, viability of scheme and lack of job creation. Network Rail and Scotrail unlikely to support; limited volunteer availability and expertise – skilled, labour intensive operation; unlikely skills are available in the area due to small population; adverse effect on existing heritage railway operations if their volunteers went to Strathpeffer; any paid staff would significantly increase costs; significant visitor numbers required for project to be viable (provides breakdown of calculations that estimate 1,120 visitors per day); questions whether this number could be attracted; lack of parking provision – estimates a 300 space car park would be required for number of visitors that are required to make scheme viable; increased pollution because village is situated in a valley and fog already often lingers; high carbon footprint; disturbance to wildlife habitats; flooding - area leading to the rail track is liable to persistent flooding despite mitigation attempts; mains sewer runs on or parallel to the rail track; adverse impact on health – likely to exacerbate asthma symptoms as sulphurous coal and soot cause breathing difficulties and soot deposits would land on property and laundry; incompatibility with Museum – trustees have objected to planning application because it would disturb the peace and ambience of tourists and locals who use the station for recreation and proposal does not reach the station; impact on delivery of heating oil – currently delivered via old railway line, if scheme is extended to the station this access would be cut off and impact on accessing property from back garden – would no longer be possible.

Modifications sought by those submitting representations:

General

Strathpeffer Community Council (00321) - Paragraph 4.173 amended to read: 'Tourism plays an important role in Strathpeffer's economy. The village has several hotels and guest houses and the Strathpeffer Pavilion is now a popular events venue. The former railway station hosting the Museum of Childhood is an important facet of the local heritage, and is now occupied by a number of business and tourism uses. There are future plans to reintroduce a steam railway which would involve developing the former station further by building an engine shed and educational museum and reopening part of the railway as a visitor attraction. Housing growth will now be directed to the western fringes of the settlement.'

Drainage matters described in paragraph 4.174 to be provided in a separate paragraph.

Ian Cherrett (04192) - Further information on 'draft a Conservation Area Management Plan'

Settlement Development Area

Ian Cherrett (04192) - Expansion of settlement development area to include site for two homes north west of proposed settlement development area (shown in map supplied, reference 57 35'20 to 23 N and 4 32'30 to 38 W).

New Sites Previously Consulted On

Bowlts Chartered Surveyors (00607) - Allocation of MIR site reference H1 for housing as per the existing allocation in the Ross and Cromarty East Local Plan.

Strathpeffer Community Council (00321) - Allocation of site NS16 'North of Former Railway Station' considered during Alternative Sites and Uses Consultation for business use.

New Sites Not Previously Consulted On

Angus Macleod (04421) - Addition of following site in Strathpeffer as follows: Housing Site: Site: SP2 South of Coulwood Area: 1.1ha Uses: Housing, 4 units Requirements: Access. Woodland establishment and management proposals. Landscape master plan.

SP1 Kinellan

David Cameron (04191) - Removal of site; failing this reduce capacity to 20 homes and reduce allocation to exclude higher north ground.

Esmee Scott (04456) - Removal of site; failing this requirement for high barrier between existing houses and development.

Elsie Watt (04522) - Removal.

Strathpeffer Community Council (00321) - Additional requirements: hydrological survey; integration of affordable housing; proportion of sheltered housing; cycle links and green belt between village and Loch Kinellan.

Alastair Dunbar (01015) - Expansion to include land south west (as illustrated in map supplied)

Amend requirements to exclude site capacity; add requirement for SP1 to be consistent with HwLDP Policy 28 Sustainable Design and Policy 29 Design Quality and Placemaking.

Caroline Rham (02237) - Extension to SP1 at include land at Kinellan (as illustrated in map supplied).

SP2 Railway Station

Strathpeffer Spa Railway Association (04335) - Removal or relocation of site (assumed).

Strathpeffer Community Council (00321) - Relocate SP2 (assumed).

Paul Stariski, Jacobus de Man, Margaret Bluefield, Jock Watt, David John (04374, 04267, 04259, 04515, 04270) - Removal.

Summary of responses (including reasons) by planning authority:

General

Strathpeffer Community Council (00321) - It is accepted that there would be merit in

specifically mentioning the Museum of Childhood in paragraph 4.173 and therefore the change suggested is supported should the Reporter wish to recommend it; the inclusion of 'will now' in reference to the location of the housing allocation is also supported.

With regards to the third sentence that refers to plans to develop the former station further by building an engine shed and educational museum and reopening part of the railway as a visitor attraction amendments are required to this sentence to reflect the amended proposals currently being brought forward by the Strathpeffer Spa Railway Association. As explained under the summary of response for site SP2 below a planning application (reference: 13/03899/FUL [THC SP General/2]) was submitted to the Council by Strathpeffer Community Council for the installation of a railway line, formation of operation base and parking area in October 2013. This application remains pending at the time of writing. The proposed operation base and parking area is situated adjacent to the Strathpeffer Sewerage Works, approximately 500m east of the proposed settlement development area. A railway line is proposed to be installed approximately 150m east of the existing station. The Strathpeffer Spa Railway Association have explained to the Council that whilst there is a long-term goal to bring the railway back into the old station in Strathpeffer there are currently major constraints with this, including the main sewer that runs alongside the station platform; a business within the former railway station does not support trains stopping at the former station and there are perceived amenity issues of smoke, dust and odours. The Strathpeffer Spa Railway Association has explained that should the track eventually be extended no new buildings would be proposed within that area. On this basis the Council would support amendments to this sentence to read: 'There are future plans to reintroduce a railway on parts of the former Strathpeffer-Fodderty Railway Line as a visitor attraction' should the Report's wish to recommend it.

The second sentence of paragraph 4.174 makes reference to drainage matters in Strathpeffer. If this was provided in a new paragraph it would result in the first sentence of paragraph 4.174 becoming isolated from the remainder of the text. As such to give greater precedence to drainage issues the sentence on drainage could become the first sentence of paragraph 4.174 followed by the sentence referencing species surveys should the Reporter wish to recommend it.

Ian Cherrett (04192) - It is agreed that the Proposed Plan should provide an explanation of what is meant by a Conservation Area Management Plan. As such it is recommended that the following definition is provided in the Proposed Plans glossary: 'A document which identifies key characteristics of designated conservation areas and ways in which change should be managed'. Whilst this is a minor change to the plan it is considered appropriate for the Reporters to determine whether this addition to the Plan's glossary is suitable.

Settlement Development Area

Ian Cherrett (04192) - As defined in the Proposed Plans glossary the settlement development area has been drawn to reflect the built up area and allocated expansion area for mapped settlements [CD6, Glossary, Page 165]. It explains that these areas are preferred for most types of development subject to consistency with HwLPD Policy 34: Settlement Development Areas [CD1, Policy 34, Page 85]. The proposed expansion area comprises an area of rough grass land north east of Stathpeffer between its conservation area and an area of ancient woodland. No indication of an access to the site has been provided. The presence of the conservation area, ancient woodland and the absence of an access to the site represent considerable constraints to the sites development. Furthermore the site has been lodged too late in this Proposed Plan's process to be

considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Proposed Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for housing land. The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly the Council does not support any modification to the settlement development area at this location.

New Sites Previously Consulted On

Bowlts Chartered Surveyors (00607) - Site H1 shown in the MIR lies directly adjacent to the northern settlement development area boundary of Stathpeffer and the boundary of its Conservation Area. Much of the site is surrounded by woodland contained in the Ancient Woodland Inventory [THC SP General/3]. The site was allocated for 15 units in the Ross and Cromarty East Local Plan; the Strathpeffer inset map indicated that access would be taken via Nutwood House/Cottage.

It is now understood that the potential access identified in the Ross and Cromarty East Local Plan is unsuitable given its proximity to Nutwood House and other residences and due to concerns the adverse impact that the formation of the necessary junction onto the main Strathpeffer road would have on the existing mature tree avenue. As such an alternative access has been suggested by the landowner's agent. A plan submitted accompanying the representation to the MIR illustrates a new access to the north of the Nutwood House access that links to the site at its northern boundary [THC SP General/4, Page1]. A further plan also provided an example site layout which indicated a site capacity of 40-50 units. This would require part of the access to be formed through the stands of ancient woodland that bound the site. Scottish Natural Heritage (SNH) raised concerns about this during the consultation to the MIR and requested that alternative access routes should be considered; and failing this, there must be public benefits of the development and as many trees as possible must be retained [THC SP General/5].

Given the history of the site and the potential impact upon the ancient woodland it was also felt necessary to consult with the Council's Forestry Officer. The Forestry Officer provided details of correspondence with the landowner's agent to date and gave advice on the current access proposal. He explained that the woodland which will be affected is listed in SNH's Inventory of Ancient Woodland as 2a Long Established Woodland of Semi-Natural Origin. This means that it appears as woodland on the first edition Ordnance Survey maps dating back to the 1860's. Policy 57: Natural, Built and Cultural Heritage of the HwLDP considers this to be an important heritage feature of national importance. Section 146 of Scottish Planning Policy published in February 2010 states that: Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. Given the scale of development now proposed, the Forestry Officer considered that it is unlikely that the Council could support a road in the location proposed. The Forestry Officer also had significant concerns over the impact that

this scale of development will have on the mature trees surrounding the site and the lack of open space within the site [THC SP General/6].

Given the concerns raised by SNH and the Council's Forestry Officer regarding inconsistency of the proposal with the HwLDP and Scottish Planning Policy, and the absence of any evidence explaining public benefits of the scheme the site was excluded from the Proposed Plan.

In the landowner's agent's response to the Proposed Plan, the reintroduction of the allocation to reflect the Ross and Cromarty East Local Plan is now sought, including the former site capacity of 15 units. The key justification for the exclusion of the site from the Proposed Plan was the alternative access proposed to the north of the site through the ancient woodland. It is explained in the landowner's agent's representation that any impact on ancient woodland would be carefully assessed by means of a tree impact survey; tree loss would be minimal and mitigation would be provided by providing adequate tree protection areas, compensatory planting and a tree management plan. Despite this the Council continues to consider that the principle of access through ancient woodland to the north of the site cannot be supported.

It is accepted that the site is effective in terms of ownership and that it would allow for the provision of a proportion of the site for affordable housing. The exclusion of the allocation from the Proposed Plan does result in there being a single allocation for housing in Strathpeffer, however the remaining site (SP1) is also effective in terms of ownership and other sites are allocated for housing development in the wider part of the West Ross Housing Market Area that lies within the Plan area. The delivery of a proportion of the site for affordable housing does not out-weigh the other issues concerned with the sites deliverability.

In terms of accessibility, concerns remain about accessibility of the site by a choice of transport options and its potential to integrate with the existing village. Due to the presence of existing development there are very limited options to create direct active travel connections into the village. The most direct active travel link is via the Nutwood House access then south using the path at the Clach an Tiompain Scheduled Monument (known locally as the Eagleston Scheduled Monument). This path connection is very narrow in parts and does not completely reflect desire lines. As such this is likely to result in high levels of unsustainable travel movements to and from the site.

Accordingly the Council believes the site should continue to be excluded from the Plan.

Strathpeffer Community Council (00321) - The site to the north of the former rail station was non-preferred in the Plan's Alternative Sites and Uses Consultation due to its potential impact on the historic environment; impact upon mature trees; impact upon the approach to Strathpeffer and because significant structural planting would be required to limit the visual impact. Planning conditions may be able to mitigate some of the limitation of the site, however was felt that in particular the landscape impact and the length of time it would take for structural planting to mitigate this impact would be too significant. Whilst the community councils' (submitted during Alternative Sites and Uses Consultation [THC SP General/7]) and landowners support for the site [THC SP General/8] is recognised, in particular because of the potential local employment opportunities it could create, it is felt than on balance the potential for significant landscape impact and an adverse impact upon Strathpeffer Conservation Area and listed buildings that lie within it make it unsuitable for development. Accordingly, the Council believes the site should continue to be excluded

from the Proposed Plan.

New Sites Not Previously Consulted On

Angus Macleod (04421) - The suggested site may have some planning merit but has been lodged too late in this Proposed Plan's process to be considered. The Proposed Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Proposed Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Proposed Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Proposed Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for additional housing land. The Proposed Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time. Accordingly the Council does not support the inclusion of the site in the Plan.

SP1 Kinellan

David Cameron, Elsie Watt, Esmee Scott (04191, 04522, 04456) - A site is currently being developed for housing on Ulladale Crescent to the north of Strathpeffer Community Centre. This site was identified as a preferred site in the MIR (site reference H3 [CD5, Strathpeffer, Pages 94-95]) however given that much of it is now complete it was considered that it was no longer necessary for the site to be identified and it was excluded from the Proposed Plan but remained within the settlement development area. The site has a very limited remaining capacity which is not sufficient to meet the housing land requirement in the part of the West Ross Housing Market area that lies within the Proposed Plan area [CD6, Para 2.10-2.11, Map 4, Pages 13-14]. It is therefore essential that additional sites are allocated for housing development in the area.

In terms of increasing capacity of road junctions and road safety the site requirements in the Proposed Plan specifies that a masterplan/development brief for the site should address access and circulation with vehicular access taken from the southern section of Kinellan Drive and a pedestrian access provided from the northern corner of Kinellan Drive. It also specifies a transport assessment as a requirement. As such it is considered that these requirements, along with consistency with the HwLDP and the Council's Roads and Transport Guidelines for New Development provide an adequate framework to ensure that suitable transport improvements are provided to facilitate the development.

Loch Kinellan, which lies approximately 100m north west of the site, is an important wildlife and recreation area. In particular it is a Slavonian Grebe breeding site which is a European Protected Species. To mitigate any impact on these protected species the Proposed Plan requires a recreation access management plan that ensures no adverse effect on the breeding site at the nearby Loch Kinellan. It is considered this requirement, alongside the HwLDP Policy framework, in particular Policy 58 Protected Species [CD1, Policy 58, Page 113] ensures adequate protection for wildlife at the loch.

Strathpeffer is an exemplary Spa town to the Highlands that is contained amidst a

splendid natural setting. The historic core of the settlement which contains its conservation area and many listed buildings lies on its eastern side. The location of the site on western edge of the settlement is adjacent to more modern areas of development. The scale of expansion supported is modest reflecting Strathpeffer's position outwith the Proposed Plans growth corridors [CD6, Map 1, Inside Front Cover]. As such it is considered that the development will not have a negative impact on the special character of the settlement or result in a continuation of urban sprawl.

The general text for Strathpeffer explains that there are known to be issues with surface water drainage and that this must be considered in the delivery of future development [CD6, Para 1.474, Page 153]. A site requirement for a drainage impact assessment. No evidence of tests that show the site is unsuitable for housing has been provided by the representor. Furthermore the allocation and delivery of the site is continued to be actively pursued by agents acting on behalf of landowners. Future planning application/s will be required to demonstrate the development does not increase the risk of flooding elsewhere in line with Scottish Planning Policy and HwLPD Policy 64 Flood Risk [CD1, Policy 64, Page 118]. Loss of private views and impact on values of private property are not material planning considerations. Given that housing is proposed and not any form of noise generating development it is expected that the developments will be compatible with each other.

Given that the site is intended to represent an extension of Strathpeffer and integrate with the existing settlement it would be inappropriate to require a high barrier to screen views of the development.

Strathpeffer Community Council (00321) - Scottish Government Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements specifies that planning obligations should only be sought when they meet a number of tests including that it 'relates to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area' [THC SP1/1, Para 17-19]. As such it would be inappropriate for the requirements to specify the inclusion of a hydrological survey which includes the cost remedial works due to existing surface water drainage issues.

Integration of affordable housing is a standard requirement for developments of four or more units as specified in HwLDP Policy 32 Affordable Housing [CD1, Policy 32, Pages 83-84] and associated supplementary guidance on Developer Contributions. Such affordable housing may be required to be suitable for an aging population.

There is a presumption against development in the intervening land between the site and Loch Kinellan as it lies within the hinterland area, any housing proposals would be assessed against HwLPD Policy 35: Housing in the Countryside (Hinterland areas) [CD1, Policy 35, Pages 86-87]. The hinterland designation therefore effectively allows for green belt between the village and Loch Kinellan. Provision of walking and cycling links is pre-requisite of the development proposals consistent with the HwLDP and the Council's Roads and Transport Guidelines for New Developments, as such, and in the absence of any specified links, it is not considered necessary for the requirement to additionally identify cycle links.

Alastair Dunbar (01015) - Strathpeffer's outstanding built heritage, combined with high quality agricultural land, ancient plantation woodland, historic Designed Landscapes, steep gradients and Strathpeffer's location outwith the Proposed Plans two growth

corridors allows for only modest growth of the settlement. Accordingly a single housing allocation in Strathpeffer is supported in the Proposed Plan. This allocation, combined with those elsewhere in the part of the West Ross Housing Market Area that lies within the Proposed Plan area provide sufficient land to meet the housing land requirement. The allocation is therefore sufficient to meet housing demand for the Proposed Plan period without extending the allocation to include a relatively large piece of land to the west.

The higher, northern part of SP1s boundary has been drawn to reflect the field boundaries in the Proposed Plan. The lower, southern part of the site is linear in shape, its eastern and southern boundaries are formed by existing built development and/or landscape features; however the western boundary of the site is not formed by any man made or natural feature. The reasoning behind this was to allow for a buffer area of open land to provide a landscaped setting for the village. Requirements for the Proposed Plan specify early structural tree planting along the western boundary of the site; this is for the creation of a new defensible settlement boundary. Furthermore retention of the existing boundary limits the impact of the development on the setting of Kinellan Farmhouse which is a C listed building and prevents coalescence with the nearby houses at Kinellan [THC SP1/2].

It is accepted that the extension area of the site that is proposed may be of limited agricultural value following the development of the SP1, however this does not therefore mean the site should now be allocated for housing. In terms of landscape impact the increased size of the site would represent a further sizable expansion to the settlement and would result in the loss of land that is intended to provide a setting for the expanded settlement with new defensible settlement boundary.

In terms of sharing access and other infrastructure upgrades this is noted, however no evidence has been submitted to demonstrate that the proposed vehicular access would be suitable for a larger site. With regards to the Slavonian Grebe breeding site at Loch Kinellan whilst the proposed site extension is further way from Loch Kinellan than northern parts of the site, it would increase the number of future residents in the area which may increase the likelihood of adverse effects on the Slavonian Grebes. In terms of enhancing the area of trees protected by a Tree Preservation Order, the site requirements already specify that any tree loss within that area must be limited and replanting will be required. Strathpeffer's conservation area lies approximately 500m east of the site and is unlikely to be intervisible in longer distance views of Strathpeffer. As such there is little evidence to suggest that an extended site would greater reflect the character of Strathpeffer's conservation area.

Furthermore, as well as the extension area having limited planning merit, it has also been lodged too late in the Proposed Plan's process to be fully considered. The Proposed Plan is at an advanced stage and has already included two opportunities for landowner / developer submissions via the Call for Sites stage in 2011 and responses to the MIR in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Proposed Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Proposed Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Proposed Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for additional housing land. The Proposed Plan is also on a 5 year review cycle so a fresh Call for Sites stage is

likely to commence in 2/3 years time.

Scottish Government Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements specifies that planning obligations should only be sought when they meet a number of tests including that it 'relates to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area'. As such it is accepted that any existing surface water drainage issues are not the responsibility of the developer. Nevertheless drainage for the proposed development will be required to be consistent with HwLDP Policy 66 Surface Water Drainage [CD1, Policy 66, Page 120] and the Council's associated supplementary guidance on Flood Risk and Drainage Impact Assessments, this includes a requirement for the provision of SUDS which may improve historic drainage problems.

With regards the request to remove the housing capacity, this would be inconsistent with the approach taken for all other sites in the Proposed Plan. It is important that a capacity is provided for each site where housing is supported to ensure that sufficient land is allocated to meet the housing land requirement. Furthermore, section 2.12 of the Proposed Plan explains that a different capacity than that specified in the Proposed Plan may be acceptable subject to detailed design that demonstrates efficient use of land a satisfactory site layout [CD6, Para 2.12-2.13, Page 15].

Caroline Rham (02237) - In response to the Plan's MIR the reinstatement of the site between H2 and H6 [CD5, Strathpeffer, Sites H2 and H6, Page 95] as allocated in the Ross and Cromarty East Local Plan [CD3, Reference 10, Page 105 and CD3, Ref 10 Strathpeffer Inset Map], was requested along with an expansion of the site to include the whole triangular field adjacent to Kinellan Farmhouse. The exclusion of the area between H2 and H6 was a mapping error in the MIR and this part of the site was reinstated in the Proposed Plan. However it was not considered appropriate for the entire triangular field to be included due to the potential impact on the setting of Kinellan Farmhouse which is a C listed building; to avoid coalescence with the nearby houses at Kinellan and to allow for a tree belt to be planted that would create a defensible settlement boundary.

A smaller area of land comprising the northern half of the triangular field is now requested to be included within the boundary of SP1. It is proposed to erect a single house on this piece of land. The erection of a single house on this piece of land would not allow for an integrated masterplan/development brief that is specified as requirement for SP1. It may also result in coalescence with adjacent houses at Kinellan and would limit the amount of land available for structural tree planting along the western boundary of the site.

Comments made in support of the site are noted, however on this basis it suggested that the proposal would be more suitability considered against HwLDP Policy 35: Housing in the Countryside (Hinterland areas) [CD1, Policy 35, Pages 86-87]. This policy presumes against housing in the countryside subject to a number of exceptions, including brownfield land and expansion of housing clusters, these exceptions may be relevant to the proposal. Accordingly, the Council believes the allocation should be retained without modification.

SP2 Railway Station

Strathpeffer Spa Railway Association, Strathpeffer Community Council (04335, 00321) - A planning application (reference: 13/03899/FUL) was submitted to the Council by Strathpeffer Community Council for the installation of a railway line, formation of operation base and parking area in October 2013 [THC SP2/1]. This application remains pending consideration at the time of writing. The proposed operation base and parking area is

situated adjacent to the Strathpeffer Sewerage Works, approximately 500m east of the proposed settlement development area. A railway line is proposed to be installed approximately 150m east of the existing station. The Strathpeffer Spa Railway Association have explained to the Council that whilst there is a long-term goal to bring the railway back into the old station in Strathpeffer there are currently major constraints with this, including the main sewer that runs alongside the station platform; a business within the former railway station does not support trains stopping at the former station and there are perceived amenity issues of smoke, dust and odours. The Strathpeffer Spa Railway Association has explained that should the track eventually be extended no new buildings would be proposed within that area [THC SP2/2]. Therefore, given that the current proposal site lies outwith the site shown in the Proposed Plan and no built development will be proposed in the future within the site shown in Proposed Plan the Council would support the deletion (but retention within the settlement development area) should the Reporters wish to recommend it.

Paul Stariski, Jacobus de Man, Margaret Bluefield, Jock Watt, David John (04374, 04267, 04259, 04515, 04270) - Objections to the site are noted. Given that the Council recommends the deletion of the site to the Reporter for the reasons provided above no responses to the objection are provided.

Reporter's conclusions:

General

Strathpeffer Community Council (00321)

1. The proposed modifications are largely factual, not contentious, and accepted by the council. That said, they make reference to the reopening of the steam railway, and in view of the representations, and my consequential conclusions, regarding site SP2 below this is unlikely to occur, at least within the village. I have therefore adjusted the proposed modification to reflect this.

Ian Cherrett (04192)

2. The council accepts that an explanation should be provided in the glossary stating what is meant by Conservation Area Management Plan. This is a sensible explanatory modification that should therefore be made.

Settlement Development Area

Ian Cherrett (04192)

3. The council points out that this proposal came too late for an assessment as part of the plan making process. It points out considerable constraints including the presence of the conservation area, ancient woodland and access. While none of these on its own need necessarily be fatal a proposal of this type needs careful consideration as well as consultation with neighbouring occupiers. All these would normally be carried out for a site brought forward during the plan making process, with the proposals in the public domain.

4. This process will be available to the representee during the preparation of the next local development plan, with a call for sites likely to take place within the next two to three years. I consider that in the absence of more detailed specification and analysis, this would be the sensible way to test the suitability of the proposed site. No modification is needed.

New Sites Previously Consulted On

The Castle Leod Maintenance Fund Trustees (00607)

5. This site lies to the north of Strathpeffer and was included in the Ross and Cromarty East Local Plan. Shaped like a distorted rectangle the two longer sides of the site adjoin woodland listed in the Scottish Natural Heritage Inventory of Ancient Woodland as Long Established Woodland of Semi-Natural Origin.

6. The site has clearly been the subject of much discussion with the council, most of it centering on the access. This was formerly proposed from the south-eastern edge of the site but this is no longer considered appropriate because of its relationship to other domestic properties. An alternative access, from the north-east, would pass through the ancient woodland and this is not considered acceptable by Scottish Natural Heritage or the council. Because of the potential damage that may be caused to the woodland I agree with this view.

7. As well as road access, provision of footways would, according to the council, have its own difficulties, with the overall result being the site somewhat cut off from the village despite its location adjacent to the settlement development area boundary. As a result the council fears there would be high levels of unsustainable travel movement to and from the site.

8. Whilst the council accepts that the site is effective in terms of ownership it notes that it is not required to meet housing targets in the village. Site SP1 is also similarly effective. There is thus no strong argument in favour of the proposed site being allocated on grounds of need.

9. While there are differing views between the council and the representee about the access, taking all these points together I am not persuaded there is a strong enough argument to justify reinstating the site in the proposed plan, even though in other respects it appears suitable for housing development. It may be that further investigation provides a solution to the problems in due course, in which case the site could be put forward for the preparation of the next local development plan. In the meantime no modification is needed.

Strathpeffer Community Council (00321)

10. Although there is considerable support for the allocation of this site, north of the former railway station, from my site inspection I understand the council's concern about its prominence at the entrance to the village. The council accepts that some mitigation may be possible, especially through landscaping, but that the time it would take to become affected, together with the potential impact on the conservation area and listed buildings, make it, on balance, unsuitable for development.

11. On account of the prominence of the site within the wider landscape when approaching the village from the north-east I share the council's view that it is not acceptable. I am not persuaded therefore that a modification is needed.

New Sites Not Previously Consulted On

Angus Macleod (04421)

12. This is another site that was not brought forward during the call for sites when the plan was prepared, and as such was not considered by the council. Although its initial reaction is that the site may have merit I am not convinced about this because of its location on the A834 at the southern end of the village. It would effectively extend development along the road to the south, giving the impression of ribbon development.

13. The representee puts forward strong arguments for mitigation, including extensive landscape planting with new woodland around Elsick Farm. This may go some way to screening the development from the south. I have not however been provided with any evidence to indicate a need for these proposed houses and there is already provision for 67 plots on site SP1 within the village.

14. As the council points out, if need could be demonstrated a planning application could be brought forward seeking to justify the development as a departure from the development plan. It is also open to bring the site forward during the consideration of the successor local development plan when full consideration and public consultation could be undertaken. In the meantime, in the absence of any overriding need I am not persuaded a modification is required.

SP1 Kinellan

David Cameron (04191), Elsie Watt (04522), Esmee Scott (04456)

15. This large 4.4 hectare site lies on the south-western edge of Strathpeffer, and I consider it represents a logical extension to the existing developed area. There may be other potential sites available but none have been brought forward that do not have some deficiencies making them unsuitable for designation at this time.

16. The council has set out above the issues that need to be taken into account in preparing plans for the development of the site. It is well away from the historic core of Strathpeffer, which lies some way to the north-east. It is located adjacent to existing housing and so would be an appropriate neighbouring use for this. As such there is no need for any special barrier between the two. There is no evidence that supports its removal from the plan.

Strathpeffer Community Council (00321)

17. The council points out that the issues raised are effectively covered through policies within the Highland-wide Local Development Plan. These include provision of affordable housing (Policy 32). Policy 35: Housing in the Countryside would have a presumption against development between the site and Loch Kinellan, outwith the settlement development area.

18. Whilst it would be appropriate to require a developer to address drainage issues caused directly by a new development, it would be inappropriate to demand payment to correct existing problems that had nothing to do with the proposed site. Because of this I agree with the council that the existing site requirements do not need adding to and no modification is therefore necessary.

Alastair Dunbar (01015)

19. The site capacity of 67 houses is an indicative figure and may not represent the final number of houses on the site, provided any departure from this is properly justified. This represents a generous supply without dominating the settlement. In addition to this I have not seen any evidence to justify the development of the adjacent land. I do not accept that reducing the number of houses allocated for site SP1 is a way of justifying this.

20. The boundaries of the site were carefully considered by the council at the time of the main issues report. This would have taken into account nature conservation issues with regard to Loch Kinellan, located beyond open ground about 200 metres to the west. The site requirements already take into account the need for landscaping, including trees along the western boundary providing a defensible edge to the settlement.

21. The council also notes that the proposed site to the west was not brought forward earlier in the plan preparation process, and has not therefore been fully assessed. The submission of a planning application justifying its development as a departure from the development plan could be brought forward. This would allow full consideration and consultation. Alternatively it could be put forward in response to the call for sites during the preparation of the proposed plan's successor in two to three years' time. In the meantime, having considered all the issues raised, I am not persuaded any modification is needed.

Caroline Rham (02237)

22. The council notes that this proposed site to the west of site SP1 was considered during the main issues report phase of plan preparation but rejected. I understand this related primarily because of its relationship to listed and other buildings close by. For this reason I am not satisfied that a modification is necessary.

23. The proposal relates to a single house and drawings provided show how a suitable design could potentially take account of features of the existing properties. It would be for the council to assess whether there may be scope for a new property without having an adverse effect on the existing listed building.

24. The council notes that one way forward would be to make a planning application for a single house to be assessed under the Highland-wide Local Development Plan's housing in the countryside policies. Although these presume against housing in the countryside exceptions are permitted including development of brownfield land and extensions to housing clusters. These may be relevant in this case.

25. I consider this would be an appropriate way to test the suitability of the site and that no modification be made to the proposed plan.

SP2 Railway Station

Strathpeffer Spa Railway Association (04335), Strathpeffer Community Council (00321), Paul Stariski (04374), Jacobus de Man (04267), Margaret Bluefield (04259), Jock Watt (04515), David John (04270)

26. The community council, working with the railway association, has submitted a planning application to reinstate approximately one kilometre of the former branch line from the main Dingwall to Kyle line, near Fodderty, to Strathpeffer. The new length of line would extend along the former track bed from the Strathpeffer water treatment works east to a point south of Blairninich.

27. This application recognises the impracticability of running the line from the old Strathpeffer station. Although the platform and former station buildings still exist, and appear to be in excellent condition, they are now used for commercial and tourist uses. The representations show that these uses would be incompatible with reintroducing trains, especially steam, into the station. In addition there would be conflict with existing residential uses in the locality within the conservation area.

28. The council accepts this and proposes that site be deleted from the plan. The site requirements refer specifically to the reopening of a steam railway, with associated buildings. Taking all the above into account this is unlikely to occur and deleting the site is a sensible proposal.

Reporter's recommendations:

It is recommended that:

1. Paragraph 4.173 be deleted and replaced with:

“Tourism plays an important role in Strathpeffer’s economy. The village has several hotels and guest houses and the Strathpeffer Pavilion is now a popular events venue. The former railway station hosting the Museum of Childhood is an important facet of the local heritage, and is now occupied by a number of business and tourism uses. There are future plans to reintroduce a steam railway which would involve reinstating part of the track to the east of the village and reopening it as a visitor attraction. Housing growth will now be directed to the western fringes of the settlement.”

2. In the Glossary the words: “Conservation Area Management Plan: A document which identifies key characteristics of designated conservation areas and ways in which change should be managed.” be added after the explanation of ‘Article 10 Features.’

3. Site SP2 be deleted.

Issue 49	Tore	
Development plan reference:	(Para 4.175, Page 155)	Reporter: Don Rankin
Body or person(s) submitting a representation raising the issue (including reference number):		
Dietrich Pannwitz (00867) Jonathan & Alistair Martin of Garguston Farm, Muir of Ord & others (01057) Tore Recycling Ltd (04117) Fiona Gilmore (04157)	Gayle Kerr (04287) Woodland Trust (04364) Broadland Properties Ltd (BPL) (04437) G Shaw (04518)	
Provision of the development plan to which the issue relates:	Tore	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p><i>New Sites not previously consulted on</i></p> <p>Tore Recycling Ltd (04117) - Seeks allocation of land at Mullans wood for industrial development or commercial uses (class 5,6 or sui generis) [04117/TR General/1, Site Plan] for the following reasons: 10 of the 22 acre site is used for a commercial recycling centre and is well suited for movements by heavy goods vehicle, plants and machinery and frequency of these movements can be managed; it is considered that the proposal meets the Ross and Cromarty East Local Plan identification of this land within Background Policy which supports development here providing that no adverse impacts are demonstrated and that the use is compatible with the existing use; expansion is unlikely to cause detrimental impact on amenity, natural heritage, cultural or built heritage citing the Environmental Impact Assessment which supported the planning application for the commercial recycling centre; the benefit to the local economy, improved road access, and bus stop provided by the commercial recycling centre; the site can be easily serviced; initial market testing for commercial operations has been reasonably positive; all matters have been addressed for the Councils assessment of its potential; the site is marketable and would not be constrained; its allocation would provide more certainty and clarity</p> <p><i>New site previously consulted on</i></p> <p>Alternative Sites and Land Uses NS128</p> <p>Jonathan & Alistair Martin of Garguston Farm, Muir of Ord & others (01057) - Seeks inclusion of land south of TR4 which was consulted on in the Alternative Sites and Land Uses consultation [THC, TR General/1, Alternative Sites and Land Uses Consultation] exclusion of TR4 allocation or at least remove land to retain a woodland screen buffer between the grain mill and the rest of the industrial allocation. If not seeks removal of any TR4 allocation here allowing proposals to be determined on its merits.</p>		

The following explanations are given about the unsuitability of TR4: it is too restrictive for future expansion of the grain mill and to cater for the demand from agricultural related businesses; residential amenity impacts of large scale industrial processing or storage buildings; impact on ancient woodland; coalescence of the village with the industrial site, any impact on the landscaping bund and tree screen would increase the visual impact of the grain mill from the A9, in response to the Main Issues Report Scottish Natural Heritage shared this concern about loss of an important visual screen and “about the potential effect on long established plantation origin inventory woodland that covers part of the site”; and stated that “over-riding public benefits should be demonstrated, alternatives ruled out, losses minimised, pre-determination surveys undertaken and high standard of compensatory planting provided” [THC, TR TR4, Page 137, Response to the Main Issues Report of the Inner Moray Firth Local Development Plan].

The following reasons were given in support of the extended TR4: the complex is already very visible on southern A9 approach and future development would be against this established backdrop whilst providing opportunity for significant advance screening; it offers greater flexibility; the site was identified as preferred during the Alternative Sites and Land Uses consultation and the pros – “not prime agricultural land, allows scope for expansion of business, possible economic benefit” – weigh more heavily in its favour; the cons – “outwith settlement boundary, landscape, visual and amenity impact needs to be mitigated by significant landscaping and tree planting, possible access issue” – can all be addressed or overcome; SNH responded to this consultation suggesting that there might be scope to make part of Site TR4 (ancient woodland Type 2b – long established of plantation origin) non-preferred rather than allocate both”; the Council recognise that with advance planting the capacity of this land to accommodate development would improve, and that Highland wide Local Development Plan policy 41 Business and Industrial development allows proposals outwith existing allocations where “there is an unforeseen element” [CD1, Policy 41, Page 92].

MU2 from MIR

Broadland Properties Ltd (BPL) (04437) - Support TR2, the uses identified, the principle of a masterplan, and the consideration to business and industrial uses alongside earlier phases of housing. Requests addition of land to the north (MU2 from the MIR) [CD5, Tore map, Page 98], increasing land area to 66 hectares and homes capacity to 500+homes

For the following reasons:

MU2 is required for the proper masterplanning of the area; unrealistic requirement for advance planting without allocating this land; considers position confusing; these sites are intrinsically linked in term of access, structural planting, determination and distribution of appropriate uses, detailed infrastructure studies and environmental assessments, as well as overall viability; early discussions with Scottish Water indicated the business case required this larger scale allocation and difficulty with coming back later to accommodate MU2; capacity studies, detailed transport, flood risk, surface water, landscape, arboriculture implications and future school provision assessments will all be more cost effective; community engagement should consider the wider site; not necessarily seeking an increase of the level of development commensurate with the percentage increase in land with need for physical separation between uses, open space and structural planting provision, and doubts over the ability of the land area currently identified to accommodate the level and range of development indicated; inclusion of MU2 would enable a design concept that could see a village green as the commercial focus, other employment

generating focal points, with choice of housing and affordable housing in a green context with opportunities for recreational access and failure to allocate MU2 could potentially limit meeting this and the Plans objectives and could result in over development of TR2.

Alternative Sites and Land Uses NS127

Dietrich Pannwitz (00867) - New Sites previously consulted on: Seeks inclusion of land at Artfallie farm [THC, TR General/2, Alternative Sites and Land Uses Consultation] as it is considered that housing, renewable energy, farm shop development should be supported as diversification and infill development which supports a rural business.

TR1y Woodneuk

Fiona Gilmore (04157) - Seeks removal of TR1 site for the following reasons; siting of buildings too close to their property meaning loss of view, daylight and sunlight and privacy; impact on village amenity; surface water drainage issue; inadequate sewer drainage and concerns about dispersion from nearby septic tank; increased traffic and safety implications; lack pedestrian provision for the primary school; and the height of the affordable housing is out of character for the area.

TR2 Tore North

Broadland Properties Ltd (BPL) (04437) - Seeks deletion of first sentence referring to development post 2021 for the following reasons: it does not take account of the need to fully service TR1 which the Council is minded to grant approval for, of which only 4 of the 14 homes can be serviced without a more significant foul drainage system; concern that other developers in the area could delay development proposals in attempt to delay development here; postponement until after 2021 presumes almost full development of land allocations in other Black Isle communities in advance; Scottish Water's and the Council's Education services plan could be prone to change before 2021 (with the Council's Sustainable School Estates Review may well be completed in the next 2-3 years); phasing of development across settlements should be done strategically through the Highland-wide Local Development Plan; recognises that the bulk of development should be longer term however suggests scope for earlier development where it addresses issues (such as park and ride or the creation of employment uses); affects the potential for advance structural planting; affects ability to secure development funding as does the exclusion of MU2; the masterplan should dictate the rate and scope of development (and this could mean a restriction to 50 houses per annum).

TR4 North of the Grain Mill

Woodland Trust (04364) - The Woodland Trust seek removal of this allocation particularly the area of ancient woodland (assumed) for the following reasons: the woodland is of high value for conservation and worthy of further study and is an important and finite habitat; trees and woodlands offer multiple benefits; Scottish Government and Highland Council policy presume against woodland removal with ancient woodland recognised as either regional or national importance; the individual and cumulative impact of woodland removal; the inability to mitigate the impact of its removal; development impacts on ancient woodland in a number of ways which includes chemically, by human activity, fragmentation and colonisation of non-native plants and therefore cumulative impacts are of great concern.

Gayle Kerr (04287), G Shaw (04518) - Seeks exclusion of the site mentioning one or more of the following reasons: it was understood from previous Local Plan preparation that development would not be allowed south of the coal yard; local road network/traffic implications; access should be off the A9; there are more suitable sites within other industrial estates in the area; proximity to residential properties and impact on tranquillity/general amenity; loss of habitat/impact on wildlife; and unclear what business requirements are that lead to this allocation.

Modifications sought by those submitting representations:

General

New Sites not previously consulted on

Tore Recycling Ltd (04117) - Seeks allocation of land at Mullans wood for industrial development or commercial uses (class 5,6 or sui generis)

New site previously consulted on

Alternative Sites and Land Uses NS128

Jonathan & Alistair Martin of Garguston Farm, Muir of Ord & others (01057) - Seeks inclusion of land south of TR4 which was consulted on in the Alternative Sites and Land Uses consultation, exclusion of TR4 allocation or at least remove land to retain a woodland screen buffer between the grain mill and the rest of the industrial allocation. If not seeks removal of any TR4 allocation here allowing proposals to be determined on its merits.

MU2 from MIR

Broadland Properties Ltd (BPL) (04437) - Support TR2, the uses identified, the principle of a masterplan, and the consideration to business and industrial uses alongside earlier phases of housing. Requests addition of land to the north (MU2 from the MIR), increasing land area to 66 hectares and homes capacity to 500+homes and seeks deletion of first sentence referring to development post 2021.

Alternative Sites and Land Uses NS127

Dietrich Pannwitz (00867) - Seeks inclusion of land at Artfallie farm

TR1 By Woodneuk

Fiona Gilmore (04157) - Seeks removal of TR1

TR2 Tore North

Broadland Properties Ltd (BPL) (04437) - Seeks deletion of first sentence referring to development post 2021 for the following reasons: it does not take account of the need to fully service TR1 which the Council is minded to grant approval for, of which only 4 of the 14 homes can be serviced without a more significant foul drainage system; concern that other developers in the area could delay development proposals in attempt to delay

development here; postponement until after 2021 presumes almost full development of land allocations in other Black Isle communities in advance; Scottish Water's and the Council's Education services plan could be prone to change before 2021 (with the Council's Sustainable School Estates Review may well be completed in the next 2-3 years); phasing of development across settlements should be done strategically through the Highland-wide Local Development Plan; recognises that the bulk of development should be longer term however suggests scope for earlier development where it addresses issues (such as park and ride or the creation of employment uses); affects the potential for advance structural planting; affects ability to secure development funding as does the exclusion of MU2; the masterplan should dictate the rate and scope of development (and this could mean a restriction to 50 houses per annum).

TR4 North of the Grain Mill

Woodland Trust (04364) - The Woodland Trust seek removal of this allocation particularly the area of ancient woodland (assumed)

Gayle Kerr (04287), G Shaw (04518) - Seeks removal of the allocation

Summary of responses (including reasons) by planning authority:

General

New Sites not previously consulted on

Tore Recycling Ltd (04117) - The suggested site may have some planning merit but has been lodged too late in this Plan's process to be considered. The Plan is at an advanced stage and has already included two opportunities for landowner/developer submissions via the Call for Sites stage in 2011 and responses to the Main Issues report in 2012. The respondent did not lodge comment at these times despite extensive publicity. The new Plan led process in Scotland relies upon early and effective consideration of the environmental effects of development plan proposals and, in a similar way, an early and effective opportunity for the public and other potentially prejudiced parties to be able to lodge comments on development sites. The Plan allocates adequate and effective alternative land for the uses suggested and therefore there is no overriding and exceptional need to introduce a new allocation at this late stage in the Plan's process. Applications can still be considered as departures to the development plan should for example a pressing need be confirmed for a local employment use and policy 41 of the Highland-wide Local Development Plan allows the Council to support business and industrial proposals "if the land requirement is from an emerging industry with uncertain size and locational characteristics (such as marine renewables) or there is an unforeseen element to the requirement (such as a large inward investment)." [CD1, Policy 41, Page 92] The Plan is also on a 5 year review cycle so a fresh Call for Sites stage is likely to commence in 2/3 years time.

New site previously consulted on

Alternative Sites and Land Uses NS128

Jonathan & Alistair Martin of Garguston Farm, Muir of Ord & others (01057) - Please also refer to the response to TR4 as this has been preferred over this suggested extension.

Since consulting on Alternative Sites and Land Uses it became clear that TR4 [CD6, TR4, page 157-158] allocation is available, and therefore TR4 is preferred over this proposed expansion site. The potential visual impact of this proposed expansion site is significant and it does not benefit from existing woodland to buffer the landscape and visual impact. Although the existing TR4 will have to mitigate impacts (loss of woodland) at the moment mitigation of loss of woodland can be more successfully achieved on TR4 than mitigation of the visual impact of this proposed site's development.

With advance planting the proposed site's ability to accommodate industrial expansion would be enhanced and if this were to be carried out this proposal could be reconsidered through a future Local Development Plan review. It is considered that it is more appropriate for the Plan to support TR4 and therefore the Council considers this site should continue to be excluded from the Plan.

MU2 from MIR

Broadland Properties Ltd (BPL) (04437) - There is need for sufficient critical mass of development to make the business case to Scottish Water for first time sewerage provision. It is recognised that there will also likely be some abnormal costs associated to development at Tore, however there is recognition from Scottish Water that the cost of any enhancement to Muir of Ord Waste Water Treatment Works (WWTW) and the means of taking flows from our WWTW in Tore to Muir of Ord would normally be funded as part of the overall Scottish Water 'growth funding mechanism'. It is also understood from discussions with Scottish Water that the levels of development supported in this Plan (TR2) will be sufficient in this regard.

The support of TR2 gives confidence to the development interests, by supporting a large scale development expansion. This should give sufficient confidence to the development interests involved to allow them to pool resources towards preparation of a developer masterplan prior to the next Local Development Plan (LDP) review, and if this is not carried out the Council will need to consider whether the site is truly effective. With the allocation identified for post 2021 the Council is prepared to offer some confidence through TR2 pending further work on a masterplan.

The expansion land supported (and whether this includes MU2 from the MIR [CD5, Tore map, Page 99] in the next LDP review will principally take account of: the updated Housing Needs and Demand Assessment; the developer prepared masterplan which is required at this point (and whether this demonstrates a well balanced, designed and sited, mixed use development); and the siting and design guidance and visualisations produced. Therefore at this point there may be better justification for the inclusion of this expanded site to include MU2 from the MIR. Also when this LDP review occurs advance structural planting requirement to buffer of the A9, and possibly some additional tree planting/landscaping may have been carried out within this site and may provide some softening for the prominent proposed development areas. If development interests do not provide advance planting along its border with the A9 this will impact on the Strategic Environmental Assessment of the site and the Council's assessment of its suitability. However it could still be deemed suitable particularly as a longer term allocation (allowing for advance planting).

In light of the above the Council does not support the allocation of this site in this Plan but recognises that this should be revisited in future LDP review as per paragraph 4.179 of the Plan [CD6, paragraph 4.179, Page 156].

Alternative Sites and Land Uses NS127

Dietrich Pannwitz (00867) - This site was consulted on during the Alternative Sites and Land Uses consultation [THC TR General/3, Alternative Sites and Land Uses consultation]. With the TR2 allocation identified for post 2021 the Council is prepared to offer some confidence to TR2 pending further work on a masterplan. However the Council considers that inclusion of this additional site is premature to this Local Development Plan review and with TR1 phased for 2021-2031 [CD1, TR1, Pages 156-157] there is no housing land requirement for this site within this Local Development Plan period. However it is recognised that it would be a logical extension after MU1 and therefore future access connections to this site should not be stymied in the preparation of a masterplan for MU1.

TR1By Woodneuk

Fiona Gilmore (04157) - A planning application for 14 units was supported by Planning Committee in 2009 [THC TR1 Pages 1-13, planning application committee report] although the legal agreement to secure the affordable housing contribution has not yet been signed. If this agreement is not signed soon then the application will be reported to the June planning applications committee with a recommendation for refusal. However regardless of the outcome the principle of housing development on this site is supported as this planning application demonstrated that a proposal for 14 homes managed to address the provisions of the site and general policy requirements of the Development Plan (and the issues raised by the objector). Therefore the Council seeks its continued allocation without modification.

TR2 Tore North

Broadland Properties Ltd (BPL) (04437) - Tore's strategic location between major centres makes it attractive to both businesses and prospective residents. Major expansion could also potentially offer some benefits to the existing community by improving pedestrian connections (footbridge over the A9) and enhancing the range of facilities and employment available with industrial, commercial, and community development proposed alongside housing development.

It is however preferable to focus on making the most of existing infrastructure, and consolidating Black Isle communities to support the existing services/facilities and existing businesses before identifying opportunities that will require significant public investment (waste water treatment solution), and before the planned park and ride is in place to provide enhanced public transport links. This means maximising the use of existing infrastructure and sustainably growing and supporting the existing communities on the Black Isle, before masterplanning of, major public investment, and then major expansion of Tore.

In the longer term it will become more difficult to identify sufficient suitable housing land within existing communities on the Black Isle where there is capacity in the infrastructure and where development will not impinge on the landscape setting and character of the communities. At this point an expansion proposal of this nature at Tore could deliver a sizeable contribution of the future development within the Black Isle. However it is considered that the park and ride facility could usefully precede the post 2021 requirement.

Also the allocation is purposefully identified and phased for post 2021 as the Council is only prepared to offer some confidence for longer term development pending developer work on a masterplan. There is a lot of lead in work required for an expansion site of this nature and if it does not come forward it could leave the Mid Ross housing market area with insufficient opportunity for development. To identify a major expansion site which forms a significant proportion of the housing land requirement for the Mid Ross housing market area means that the Council need reasonable confidence in effectiveness of its delivery.

More confidence in the effectiveness of this major expansion proposal will be gained if the multiple development/landowning interests here jointly prepare a masterplan. The developer masterplan must establish costs and agree the landowners respective contribution to infrastructure/servicing, open space, community development, establish a road layout, a landscape design framework, identify the land uses, and provide siting and design guidance and visualisations. This will involve preparation of a Transport Appraisal and further work with Transport Scotland to establish the requirements for the trunk road network, and junctions particularly at Tore roundabout. There will also be a need to integrate with and assist in the delivery of future transport solutions in this area such as the park and ride proposals, and community developments including possible new primary school provision. This level of detail will be required to give more confidence on the deliverability of the proposal and needs to be completed in a partnership arrangement involving as its core: the consortium of landowners, the Council, Transport Scotland, and Scottish Water.

Given that there will be a Local Development Plan review before this site is phased for delivery it is considered that this work should be completed to support its inclusion (and potentially some or all of an expanded site which includes MU2 from the Main Issues Report) in the next Local Development Plan review. The support of TR2 gives sufficient confidence to the development interests involved to allow them to pool resources towards preparation of a developer masterplan prior to the next Local Development Plan (LDP) review. If this is not carried out the Council will need to consider whether the site is truly effective. The reason this is not a requirement at this point is in recognition that the developers need some certainty before investing resources to carry out this work, and also of course in recognition that support for this sites development is programmed for 2021 to 2031.

In light of the above the Council considers that this allocation should remain in the Plan but that the requirements should instead start "Identified for development post 2021 (but park and ride facility is supported now)" to acknowledge that this could precede the wider proposal.

TR4 North of the Grain Mill

Woodland Trust (04364), Gayle Kerr (04287), G Shaw (04518) - It should be noted that given the timescales for the development of the MU1 site post 2021 there is a need to allocate industrial opportunity in the meantime. Also this site offers potential for expansion of the Grain Mill and for demand of agricultural related businesses.

SNH did not reiterate their Alternative Sites and Land Uses consultation comments presumably because at that stage there was not the comfort of the Council's site requirements which now make clear what mitigation/protections are being put in place. To accord with the requirements of our HwLDP Policy 52 Principle of Development in

Woodland, there are now specific site requirements included in the Plan for pre determination surveys, compensatory planting, and for loss of trees to be minimised where possible (particularly within the inventoried woodland to the south) whilst ensuring that buffer areas to the A9 are retained. Also the requirements for “a 20 metres of retained tree buffers on the peripheries of the site” and for “protection of residential amenity” so and amenity concerns will be addressed by the detail of the proposal at the planning application stage.

The Council’s roads advice supports its inclusion in the Plan and any further road issues related to the detail of any proposal that comes forward will be addressed at the planning application stage. However access to this site would not be from the A9 as a new junction onto the trunk road would be resisted by Transport Scotland.

There is suitable mitigation and protection identified by the sites requirements and indeed by the general policies of the Highland-wide Local Development Plan. Therefore any other issues that become evident with the detail of the proposal will be appropriately dealt with at the planning application stage. Accordingly the Council believes the allocation should be retained without modification.

Reporter’s conclusions:

General

1. Tore recycling (04117) seeks allocation of a new site at Mullins Wood for industrial development. Although the council note that the allocation may have merit, it is outwith the industrial allocation already made to meet the land supply of the Highland-wide Local Development Plan. (HWLDP) There is at this time no over-riding need for additional industrial land at this location. There may well be merit in this site being reconsidered at a subsequent review of the plan but at this time I do not consider a plan modification appropriate.
2. Similarly representee (01057) and others have suggested that former site NS 128, south of TR4 which was subject consultation should be included in preference to TR4. I note that TR4 is now available for development and is thus preferred over the suggested expansion site to the south and that the impact of loss of woodland on TR4 is more readily accommodated than dealing with the visual impact of the suggested site. At this time I therefore consider TR4 to be a preferable location at which to locate the required industrial land.
3. Broadland Properties (04437) whilst supporting the allocation of TR2, a major mixed development site of 43ha allocated for 460 homes as well as commercial, industrial and community uses seeks the addition of former site MU2 to increase the available land to 66ha and a residential capacity of 500+ homes. Failure to do this is seen as detrimental to making the business case for first time sewerage provision to Scottish Water with a consequential disadvantage for later expansion into this area. This would result in missed opportunities for greater physical separation between uses, open space and structural planting, even a village green.
4. Land is generally allocated to meet the land supply calculations in the HWLDP. Although there is a shortfall in housing land supply in the Mid Ross HMA surplus provision elsewhere in the plan area means that at this time there is no need to allocate further

housing land. It is recognised that for the development in Tore a significant critical mass of available development land is needed. The council note that in their discussions with Scottish Water this critical mass is considered to have been achieved for making the business case for first time sewerage to ensure connection to the Muir of Ord Treatment Works. I agree with the council that TR2 is a significantly large site which should enable developers to pool resources towards preparation of a developer masterplan before the next local development plan review. At that time, if the projections for future land supply require it consideration can be given to adding to the considerable land allocated in TR2. There is no convincing evidence that this approach would seriously prejudice the proper planning of the area or result in overdevelopment of site TR2. Modification of the plan to add in the former site MU2 from the MIR is therefore not required at this time.

TR1 by Woodneuk

5. Representee (04157) seeks removal of this site as the 14 houses would result in a range of amenity problems for their property. At 3.4 hectares the site is large for the intended capacity of 14 houses. I am confident that all of the perceived problems could be resolved at the planning application stage by adherence to the development policies of the HWLDP. In consequence I see no reason to modify the plan.

TR2 Tore North

6. Broadland Properties seeks removal of the reference in the site description suggesting that this is a long term commitment post 2021. This seems to be to enable a more flexible approach to the development of the site taking advantage of opportunities which arise rather than waiting for the available capacity, particularly for housing growth, across the Black Isle to be substantially complete before embarking on the expansion of Tore.

7. I note the council's many reasons for wishing to ensure that a credible masterplan, jointly prepared by all the landowners has been prepared before considering the detailed planning applications for the development of such a large area. The large supply of housing land in Tore on site TR2 will eventually form a mainstay of the housing land supply for the Mid Ross HMA. The strategy of the plan however is to initially take advantage of more readily available sites elsewhere in the Black Isle to accommodate short term demand in advance of a collectively agreed masterplan for TR2. Given the overall shortfall in identified housing land supply in the Mid Ross HMA both TR2 and the allocated opportunity sites elsewhere in the Black Isle will be needed. There is however no convincing evidence that a credible masterplan can be delivered in the short term to make the site effective for the short/medium term. Were the situation to change the council would be able to reassess this in the light of proposals for the development of an already allocated site and to review the timescale for its delivery as part of a specific planning application. I do not therefore consider that it is appropriate to remove the reference to the long term ambitions for site TR2 from the plan.

TR4 North of the Grain Mill

8. Whilst the majority of the site north of the existing grain mill is wooded. I note that this contains some inventoried semi-natural woodland. The site requirements make clear the need to minimise tree loss particularly in these semi-natural areas and the maintenance of a 20 metre buffer of trees on the periphery of the site. These requirements taken together with the measures for the protection of trees and habitats and for compensatory

replanting contained in the HWLDP should effectively minimise any damage.

9. Expansion of the grain mill and the availability of industrial land is a key part of the council's spatial strategy for Tore and in that context I consider that some degradation of the natural woodland is inevitable but that the requirements of the plan should ensure that this is minimised. In consequence I do not consider modification of the plan necessary.

Reporter's recommendations:

No modification.

Issue 50	Appendices	
Development plan reference:	(Pages 159-167)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Water (00396) Scotia Homes Barratt East Scotland And Robertson Homes (01310)	Sport Scotland (02087) Cromarty Firth Port Authority (04218)	
Provision of the development plan to which the issue relates:	Appendices	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <p>Sport Scotland (02087) - Seeks a more explicit definition of 'Recreation/al Access Management Plans' to provide certainty to all Plan users.</p> <p>Seeks additional references in the Action Programme because: these are already referenced in the Plan text as requirement actions; to improve the deliverability of this aspect of the Plan by providing certainty, and; Sportsotland has a locus in this area and can offer advice.</p> <p><u>Glossary</u></p> <p>Cromarty Firth Port Authority (04218) - Some of the terms utilised within the document are not clearly defined.</p> <p>Scottish Water (00396) - Seeks additional Plan text because it will emphasise that Scottish Water is funded to address the cumulative effect of the proposed development on its assets across the planning period and that early engagement is vital in ensuring this investment is planned and takes place in line with growth demands.</p> <p><u>Proposed Action Programme</u></p> <p>Scotia Homes Barratt East Scotland And Robertson Homes (01310) - Seeks deletion of Pause and Review reference because it: fails to meet the legal and Scottish Government tests for a section 75 obligation; is unduly restrictive; is unjustified; is unnecessary because transport assesment demonstrates the proposal's acceptability; creates uncertainty in making long term investment decisions for developers and householders; is contained within the Nairn South Masterplan which is not statutory supplementary guidance, and; it could cause further delays to the developer outwith its control.</p>		

Modifications sought by those submitting representations:

Appendices

Sport Scotland (02087) - Additional Glossary definition of 'Recreation/al Access Management Plans' to be a document that considers impacts on outdoor sport, recreation and access and explains how they are to be prepared and by whom.
 Amendments to Action Programme to include Recreation/al Access Management Plans where these are stated requirements for particular sites.

Appendices Glossary

Cromarty Firth Port Authority (04218) - Glossary should include definitions of business, industry and public realm improvements.

Scottish Water (00396) - Additional text for Scottish Water definition in Glossary: "Scottish Water are funded to provide capacity at their strategic water and waste water assets, to meet the demand of domestic growth and the domestic element of commercial growth, provided such development meets the five ministerial criteria set out to trigger this investment."

Appendices Proposed Action Programme

Scotia Homes Barratt East Scotland And Robertson Homes (01310) - Deletion of 'action' suggested in the Proposed Action Programme in relation to NA8: Nairn South: "The Highland Council will participate in the Pause and Review of development in an early phase of development...."

Summary of responses (including reasons) by planning authority:

General

A brief glossary definition and reference would be appropriate subject to the Reporters' agreement. However, the plans can be prepared by a variety of different parties and there is no legislative requirement as to how they must be prepared so it should be a non prescriptive definition in terms of methodology and lead agency. Moreover they are also required to mitigate for the potential adverse environmental impact of recreational access pressure so the suggested definition of content is too narrow. Including all these plans in the Action Programme would be inappropriate as they are not about promoting development and the Council may not be the lead agency.

Glossary

The glossary (in the definition of Uses) equates the terms business and industry to particular statutory Use Classes and this offers sufficient explanation. The term public realm improvements could be defined, if the Reporters see fit, as "improvements to the physical environment and appearance of civic or other public spaces". The additional text suggested by Scottish Water is factual and offers clarification and would be supported by the Council should the Reporters see fit to recommend such a change.

Proposed Action Programme

The Action Programme reference to pause and review is based on it being required through the Nairn South Strategic Masterplan [THC/Appendices/1, All]. Although this is non statutory Council guidance its production involved all relevant parties and sought to enable development subject to better information becoming available over time as to its impact. In particular, the capacity of the local and trunk road networks to accommodate further development at this location is disputed and difficult to specify given the current uncertainty over the nature and timing of local and trunk road networks improvements. The consortium’s application is at appeal (including consideration of the pause and review issue) and pending with the DPEA. The Council would suggest that the outcome of the appeal Hearing should shape the Reporters’ recommendation on this issue.

Reporter’s conclusions:

1. SportsScotland seeks the inclusion of a reference to recreation/al access management plans in the plan glossary. The use of this term in the plan appears to be intended by the council to refer in particular to potential impacts on natural heritage interests. As this meaning is not immediately clear from the term itself, further explanation in the glossary would improve the clarity of the plan. A recommendation to include such a definition is made under Issue 26.
2. Regarding definitions of ‘business’ and ‘industry’, these terms are included in the glossary within the definition of ‘uses’. The definitions used refer to the Town and Country Planning (Use Classes) (Scotland) Order 1997. I consider that this is appropriate, and given the precise legal definitions that are included in that document that it would not be helpful to paraphrase or repeat in full in the plan. No modification is required.
3. Regarding the need to define ‘public realm improvements’, I consider the term relatively self-explanatory. However the council is content to include a definition in the glossary, and I agree this might improve the clarity of the plan for some users. A recommendation to include a definition for this term is made under Issue 24.
4. I agree with the council that the suggested additional text relating to the role of Scottish Water is factual and serves to clarify the role of the agency. I therefore recommend that this text be added.
5. Comments relating to the content of the proposed action programme are beyond the scope of this examination. Therefore the suggestion from Scotia Homes, Barratt East Scotland and Robertson Homes that the ‘pause and review’ clause be removed from the part of the action programme relating to site NA8 Nairn South is for the council to consider before finalising the action programme.

Reporter’s recommendations:

It is recommended that the following sentence be added to the definition of ‘Scottish Water’ in the glossary: “Scottish Water is funded to provide capacity at its strategic water and waste water assets, to meet the demand of domestic growth and the domestic element of commercial growth, provided such development meets the five ministerial criteria set out to trigger this investment.”

Issue 51	Development Allocations: Chapter 4: Miscellaneous	
Development plan reference:	Chapter 4: Pages 28-158	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
Paul Whitefoot (00973)		
Provision of the development plan to which the issue relates:	Supra settlement comments not specific to growth areas	
Planning authority's summary of the representation(s):		
<p><u>Development Allocations Transport</u></p> <p>Paul Whitefoot (00973) - Seeks developer funding for a new cycleway because: there are an increasing number of cyclists using the A862 to commute to Inverness; the existing route is not safe because it is a fast road with very narrow sections, and; a strategic route around the Beauly Firth would provide a commuter, leisure and tourist asset further enhancing the town of Beauly as a tourist destination as a day trip from Inverness.</p>		
Modifications sought by those submitting representations:		
<p><u>Development Allocations Transport</u></p> <p>Paul Whitefoot (00973) - An additional developer requirement to part fund a cycle path from Beauly to Inverness within each of the Aird settlement sections (assumed).</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>Development Allocations Transport</u></p> <p>A Beauly to Inverness commuter cycle route has been an aspiration of local cycle groups for many years. The Council recognises the desirability of longer distance commuter cycle routes but with limited resources is prioritising its funding on routes which demonstrate the best benefits to costs balance. For example, it is committed to a Millburn Road cycleway which will connect Inverness City Centre with the new university campus at Beechwood. It should be very well used, will provide considerable net benefit in safety terms and is relatively inexpensive in terms of land acquisition and construction. Comparatively, the Beauly to Inverness route has far greater challenges in terms of multiple private landowners acquisition, the engineering challenges in creating a route along the A862 just west of Clachnaharry, the length and therefore cost of the scheme, the lower population numbers served, and the lower likelihood of achieving modal shift from private car travel (there is already a good commuter rail service from Beauly). Accordingly, the Council</p>		

believes the Plan should be retained without modification.

Reporter's conclusions:

1. It seems likely that a Beauly to Inverness commuter cycle route would be a worthwhile scheme, but it is clear from the council's response above that it does not currently form a part of their delivery programme. The council points to a number of practical obstacles to delivering such a route. While it may be that these are all capable of being overcome, it is impossible to know how practical this would be without a lot more detailed work on the feasibility of the route having been done.
2. The council also reasonably points to the need to prioritise its spending on schemes that deliver the greatest benefits. The representee may be suggesting that the route could, at least in part, be developer funded, if it were to be included in the plan as an infrastructure requirement for development in Beauly and nearby settlements. However, such a requirement, if to be secured through a planning obligation, would have to meet the tests set out in Circular 3/2012 Planning Obligations and Good Neighbour Agreements. These tests include the need for obligations to be necessary, related in scale and kind to the proposed development, and reasonable. From the information before me, it is not clear that these tests would be satisfied in this case.
3. For these reasons I conclude that insufficient justification currently exists to include a requirement for a Beauly to Inverness cycle route in the plan. Hence no modification is required.

Reporter's recommendations:

No modifications.

Issue 52	General Plan Comments	
Development plan reference:	Various	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Nigg & Shandwick Community Council (00313) Erlend Tait (01139) Sport Scotland (02087) Scottish Wildlife Trust (04180) John Flett (04473)</p>	<p>Paul Gallagher (04490) Nairn West, River & Suburban Community Councils - joint comments (04216) Cromarty Firth Port Authority (04218) Cathy Stafford (00511)</p>	
Provision of the development plan to which the issue relates:	Various	
Planning authority's summary of the representation(s):		
<p><u>General Comments</u></p> <p>Scottish Wildlife Trust (04180) - Notes new area Plan coverage and urges that conservation of natural heritage is a key factor in their preparation because that heritage should not be prejudiced by short-term development. Supports consolidation of existing settlements as best strategy for protecting that heritage.</p> <p>Nigg & Shandwick Community Council (00313) - Nigg and Shandwick community council area should be removed from Plan area because it is different to the rest of the Inner Moray Firth, being sparsely populated and rural and is already covered by a different area planning office for the consideration of planning applications.</p> <p>Erlend Tait (01139) - Seeks better architecture because Inverness has become a sprawling mass of similar houses with no character.</p> <p>John Flett (04473) - Disagrees that comments should be restricted to those directly relevant to the plan's content. Disputes that the plan's overall vision is realistic because there is no hard evidence that a growth in jobs and population will happen. Disputes that the necessary supporting infrastructure can ever be provided to service this level of growth. Believes that Scotland will not have enough resources in future to fund major infrastructure because of declining North Sea Oil revenues.</p> <p>Paul Gallagher (04490) - Objects to being neighbour notified on the principle of developing a site when a related development brief has already decided the detail of that site and there was no neighbour notification for that document.</p>		

Sport Scotland (02087)

- Seeks clarification of the Plan's treatment of existing pitches and playing fields because: it appears inconsistent; they are already protected under Highland wide Local Development Plan Policy 76, and; national planning policy says development plans should safeguard all playing fields.
- Seeks Plan cross references to SportScotland's guidance on school sports facility provision [02087/General Plan Comments/1: Design Guidance for Primary School Sports Facilities: Sport Scotland: October 2013: All and 02087/General Plan Comments/2: Design Guidance for Secondary School Sports Facilities: Sport Scotland: October 2013: Extract] because the guidance provides best practice on creating the ideal environment for providing both physical education and community sport.
- Offers advice in the preparation of development briefs/masterplans involving outdoor sport and recreation provision.
- Supports protection of Kiltarlity shinty pitch in the settlement text and by an open space designation. However wants other playing fields and sports pitches in the plan area to also be identified in this way to allow for a consistent approach; not to introduce a hierarchy of importance and to provide clarity of relationship with Policy 76 of the Highland-wide Local Development Plan or clarification as to why certain pitches have been identified, over and above the protection they already receive from the Highland-wide Local Development Plan.

Nairn West, River & Suburban Community Councils - joint comments (04216) - Seeks re-writing of Plan as it affects Nairnshire because: present Plan is a Council-imposed, developer-led checklist of mostly large-scale construction schemes predominantly on agricultural land; all Nairnshire community councils share this viewpoint; the Highland wide Local Development Plan process was flawed; local priorities have been ignored and been subordinated to a strategy based on the continuing expansion of Inverness; Plan driven by an unrealistic and unjustified forecasts and targets; main Plan objective should be safeguarding of heritage; inadequate infrastructure capacity to service planned expansion, and; a more inclusive, community led Plan would produce a more sensible and acceptable outcome.

Cromarty Firth Port Authority (04218) - Seeks more obvious access to maps legend because the meaning of the coloured maps is confusing without it and it is difficult to find.

Cathy Stafford (00511) - Objects both to the lack of clarity in paragraph 4.36 and to the principle of the first sentence. Considers that the 'link' between the site specific allocations in the HWLDP and the corresponding site specific allocations in the IMFLDP should be broken. Planning Circular 1 2009; Development Planning contains the following policy on implementation of legislation or procedures. . . .Section 16 of the Act requires all planning authorities to prepare one or more local development plan (LDP) for their area as soon as practicable after the Act comes into force. These must cover the whole of the authority's area, although one location may be covered by more than one LDP if prepared for different purposes (e.g. minerals), and LDPs may extend across the areas of more than one planning authority. Outside SDP areas, they should also provide a broad indication of the scale and location of growth up to year 20. Report 59/13, which was presented at of the Planning, Environment and Development Committee held on Inverness on Wednesday, 18 September 2013, notes that: The HwLDP includes some development

sites (and corresponding text) that lie within the Inner Moray Firth (IMF) area. These sites have been tested through an independent Examination and so the principle of development has been accepted. The vast majority of these sites have been “rolled forward” into the Proposed Plan with little or no change. It is therefore intended that any Proposed Plan content that was previously approved through the HwLDP should not be re-examined through the IMFLDP process. Minor changes such as the mix of uses or phasing would be open to comment. The IMFLDP itself states that, ‘Any allocation and text in the adopted HwLDP that relates to sites within the Inner Moray Firth Area will be updated by this plans content’ Inverness is not an SDPA and therefore it appears that there is no requirement for a separate strategic document, however, in recognition of the geographical issues that Highland Council faces, it may be reasonable to consider the HwLDP as a ‘pseudo structure plan’ for Highland wide policies. However, the HwLDP is not an SDP; it is simply, in terms of land allocation, an LDP. Circular 4 2009 quite clearly expresses that the same site should not appear in two different LDP’s unless it is for different purpose. The public should not be prevented from commenting on all planning aspects relating to all the sites that have been rolled forward from the HwLDP to the IMFLDP. The economic climate continues to change and the Area LDP should be open to challenge and evaluation in the light of these ever changing financial circumstances.

Modifications sought by those submitting representations:

General Comments

Scottish Wildlife Trust (04180) - A clearer support for brownfield over greenfield developments wherever possible (assumed).

Nigg & Shandwick Community Council (00313) - Nigg and Shandwick community council area should be removed from Plan area and become part of the Caithness and Sutherland Local Development Plan area (assumed).

Erlend Tait (01139) - Plan should ensure that architecture of new developments is more creative and varied.

John Flett (04473) - A more realistic, lower growth scenario for the future of the plan area. A more detailed timetable for when growth will happen.

Paul Gallagher (04490) - A Council commitment to neighbour notification of development briefs and similar Supplementary Guidance (assumed).

Sport Scotland (02087)

- All existing sports pitches and playing fields protected by greenspace designations or further clarification added as to why not all of the pitches are identified.
- A cross reference to SportScotland's online guidance on school sports facility provision.
- An additional reference to the role of SportScotland where a development brief / masterplan involving outdoor sport and recreation provision is included in the Plan (assumed).
- Open space designation for all playing fields and sports pitches within the plan area or clarification as to why certain pitches are desingated as open space.

Nairn West, River and Suburban Community Councils - joint comments (04216) - A complete rewriting of the entire Plan in line with the principles set out in the Community Empowerment and Renewal Bill and the views and aspirations of local communities.

Cromarty Firth Port Authority (04218) - The legend provided on page 171 should be incorporated in all relevant maps or at least signposted on the maps.

Cathy Stafford (00511) - Requires that the 'link' between the site specific allocations in the HWLDP and the corresponding site specific allocations in the IMFLDP is broken in paragraph 4.36.

Summary of responses (including reasons) by planning authority:

General Comments

- The Plan's content allocates brownfield sites wherever they are available or likely to be available for development within the Plan period and are not subject to insurmountable other constraints. For example, many of the Inverness City sites are regeneration opportunities on previously developed land. Moreover, the Council's policy within settlement development areas is far more positive than it is within the surrounding Hinterland countryside area and therefore there is a clear priority to direct the vast majority of development to within the largest settlements.
- There are many other sparsely populated, rural areas within the Plan area and Nigg and Shandwick lies south of the Dornoch Firth division that the Council believes best defines the Inner Moray Firth. It would also not be sensible to split Nigg and Shandwick from the rest of Ross-shire. Its service and employment links are with Easter Ross settlements not Sutherland.
- The Plan incorporates developer requirements for high architectural design quality where there are particular site-specific sensitivities that justify a better than average standard. However, achieving across the board improvements in design standards will depend upon changing the attitudes of building tenants and purchasers, architects, builders, councillors and other decision makers. The Council and Scottish Government have produced policy and guidance on this topic but coercion of higher standards is impracticable. Tenants, purchasers and decision makers need to recognise and demand well designed buildings for the development industry to respond.
- The Council's growth locations and assumptions are already established within the recently adopted Highland wide Local Development Plan (HwLDP), which was subject to Examination by Scottish Government appointed Reporters and addressed similar objections regarding growth levels [HwLDP Report of Examination: THC/General Plan Comments/1, Pages 560-568]. Many of the growth sites are also reaffirmed within the latest national planning framework. Although the property market has experienced a recent decline, the Plan's strategy covers a long time period and the market is cyclical in nature. The Council's latest Housing Need and Demand Assessment was also tested at the HwLDP Examination including its forecasts and requirements and was found to be robust and credible [THC/General Plan Comments/2, Pages 6-7]. The Plan already allows for a slower phasing of many of the major development sites but there is no convincing justification to make a significant change (either increase or decrease) to the total number and capacity of development sites. Additional infrastructure requirements are already referenced within the Plan where appropriate but there are capital programme commitments to many strategic network capacities

such as the A9 and A96 dualling, West Link, rail capacity improvements to Aberdeen and Perth and a new waste water plant to serve the Inverness to Nairn Growth area.

- The principle of developing the Charleston and Ness-side neighbourhood City expansion areas has been established since the adoption of the Inverness, Culloden and Ardersier Local Plan in 1994 [THC/General Plan Comments/3, Inset Maps 4A and 4B]. Most recently, this principle was reaffirmed within the adopted HwLDP in 2012 [CD 1, Policy 8, Pages 34-35], which flagged up the intention to prepare a development brief for this area. This brief completed all its statutory consultation phases and is now statutorily adopted as part of the development plan for the area [Torvean and Ness-side Development Brief: THC/General Plan Comments/4, All]. It is unfortunate that the respondent is unaware of any of this history despite the extensive publicity and public involvement that was involved. However, the Council accepts that neighbour notification of sites which are under construction, have an extant planning permission and/or are contained within a recently adopted part of the development plan has caused some public confusion. In future development plan consultations we will consider alternative graphic ways to represent these “committed” sites.
- The greenspaces identified within the Plan link to HwLDP Policy 75 Open Space which safeguards existing areas of high quality, accessible and fit for purpose open space from inappropriate development [CD 1, Policy 75, Page 132]. Sports pitches/playing fields (covered in further detail within HwLDP Policy 76) [CD 1, Policy 76, Page 134] are a subset of these greenspaces. The aim of the Inner Moray Firth Local Development Plan is to only identify those greenspaces that are cherished by the community (not a few neighbours) because they provide direct, amenity and/or recreational value and any development of them would be harmful to that value. So, agricultural fields with no public access that provide a green outlook for a few direct neighbours are not included. However, areas of woodland that provide a strategic screen between housing and a major road corridor are included. Similarly, larger, wooded burnsides which function as effective green corridors are also included. Playing fields are safeguarded with the green open space notation in the Plan only where they should never be built on, reconfigured or enhanced. There are several Plan examples where existing playing fields should be built on because alternative, equivalent/enhanced provision is planned for closeby. This applies to the sports pitch at Maryburgh, the pitches at Torvean and the pitches at Culloden Academy. The Council concedes that an additional Plan reference to clarify this reasoning and to make an explicit link to HwLDP policies 75 and 76 would be beneficial should the Reporters agree and wish to recommend such an addition. SportScotland's best practice guidance on school sports facility provision although important is not a document that underpins any Plan content. These supporting documents are listed in Appendix 3 of the Plan should the Reporters disagree and wish to recommend an addition. SportScotland's offer of advice is noted and welcomed.
- The Council has the statutory role and duty to prepare development plans within Highland. These plans are required to include several rounds of community consultation and involvement. All these requirements have been met (and arguably exceeded) in relation to the Nairnshire content of the Plan. Expressed community opinion in Nairnshire does favour lower growth levels than promoted by the Council. However, the Council must balance other considerations in its plan making including the needs of those that do not engage in the Plan process. As stated above, the Council's growth locations and assumptions are already established within the recently adopted Highland wide Local Development Plan (HwLDP), which was subject

to Examination by Scottish Government appointed Reporters and addressed similar objections regarding growth levels. Many of the growth sites are also reaffirmed within the latest national planning framework. Although the property market has experienced a recent decline, the Plan's strategy covers a long time period and the market is cyclical in nature. The Council's latest Housing Need and Demand Assessment was also tested at the HwLDP Examination including its forecasts and requirements and was found to be robust and credible. The Plan already allows for a slower phasing of many of the major development sites but there is no convincing justification to make a significant change (either increase or decrease) to the total number and capacity of development sites. Additional infrastructure requirements are already referenced within the Plan where appropriate but there are capital programme commitments to many strategic network capacities such as the A9 and A96 dualling, West Link, rail capacity improvements to Aberdeen and Perth and a new waste water plant to serve the Inverness to Nairn Growth area.

- The maps legend is on a fold out flap of the Plan's back cover so it can be read alongside any of the Plan's mapping and does not have to be replicated and take up space on every settlement map. If the Reporters feel further help is needed then an additional sentence within paragraph 1.9 may be appropriate to tell people that the maps legend is on the back cover flap.
- The Council accepts that the HwLDP as adopted is an unusual hybrid of general policies and site (albeit largely strategic) development allocations. The HwLDP was a Scottish Government endorsed pilot LDP with a compressed timetable prepared to provide an up to date statutory planning policy framework for Highland and for major development proposals then pending in the A96 growth corridor. Highland covers a geographic area larger than Wales and almost as large as Belgium and therefore the Council promoted (and latterly Scottish Government officials and the HwLDP Reporters accepted) that some form of strategic planning policy coverage was required within Highland. The Council accepts that having 2 local development plans for the same geographic area fulfilling a similar purpose is irregular and is therefore working to rectify the situation (detail set out in the Development Plan Scheme supplied). In summary, the Council's future development plan work programme will review the HwLDP to eliminate its site allocation content leaving only general policy and strategic vision/strategy coverage. Beneath this will be 3 "area" local development plans including the Inner Moray Firth Local Development Plan (IMFLDP) providing the "local" site-specific detail. Before the HwLDP is reviewed and its replacement adopted there will be 2 adopted plans saying potentially different things about some areas of land. The Council's view is that the later plan (IMFLDP) will outdate and therefore take precedence over the HwLDP in these limited cases. The Council has accepted that objections to IMFLDP sites "rolled forward" from the HwLDP should be considered through the IMFLDP Examination process. Paragraph 4.36 does not prejudge or eliminate this consideration.
- Accordingly, the Council believes the Plan's content in respect of the above issues, save greenspaces, should be retained without modification.

Reporter's conclusions:

1. A number of disparate comments are included under this issue.
2. The Scottish Wildlife Trust comment on the importance of environmental

considerations in the plan, and the need to prioritise brownfield development. While the proposed plan does focus heavily on development opportunities, this is largely because the allocation of development sites is the main role identified by the council for these area local plans. The Highland-wide Local Development Plan contains the main suite of policy material aimed at environmental protection. This matter is therefore adequately covered in the development plan as a whole. As the council states, brownfield sites have been identified for development where available. No changes to the plan are required.

3. It would not be sensible to remove the Nigg area from the plan area. Nigg has close geographical ties with nearby settlements in the Ross-shire growth area, which is a key component of this plan. It is also physically separated from the Caithness and Sutherland local development plan area which is the only possible alternative. No change to the plan area is required.

4. Regarding the quality of the architecture of new development in the Inverness area, I agree that the development plan has an important role to play in improving this. To this end, design policies are included in the Highland-wide Local Development Plan. If adhered to, these policies should produce an improved quality of place-making over time. No changes to the plan are required.

5. Regarding the overall strategy of the plan and levels of growth, these were largely established through the Highland-wide Local Development Plan process. At paragraph 18 of Issue 9 I concluded that it would not be helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed. At paragraph 5 of Issue 2 I concluded that no compelling evidence existed to demonstrate that underlying conditions have changed so dramatically as to warrant an early revisiting of the housing growth assumptions arrived at in the Highland-wide plan.

6. It is not possible for the plan to set out a detailed timetable for when development will happen, as much depends on the programmes of individual developers and the wider economic situation. However it may be that the action programme that will accompany the plan can provide some more detail on this.

7. Regarding the relative timing of the local development plan and earlier development briefs, this matter is largely outwith the scope of this examination. However the council is under a legal duty to consult neighbours of proposed development sites in the plan. In the case of site IN24 Torvean and Ness-side, this site was partially allocated in earlier development plans, and is discussed in more detail under Issues 11 (West Inverness) and 12 (South Inverness).

8. Sportscotland are concerned that the proposed plan may introduce a hierarchy of importance for playing fields and pitches, and that all playing fields should be identified in the plan. In response, the council states that it is only playing fields that should never be built on, reconfigured or enhanced that are shown as open space on the local plan maps, as there are some playing fields where development would be acceptable.

9. The council's explanation for how it identified those areas to identify as open space in the plan differs somewhat from the description given in paragraph 224 of Scottish

Planning Policy. This states that local development plans should identify 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. It is not possible within the confines of this examination to review all the sites that could potentially be designated as open space, but this is a matter that the council could usefully reconsider before preparing the next plan.

10. The council suggests making an explicit link to Policies 75 and 76 of the Highland-wide Local Development Plan, which deal with open space and playing fields. It is not clear to me that the open spaces protected by those policies are necessarily all captured as designated open spaces in the Inner Moray Firth proposed plan. However without such a cross-reference, it is not made clear exactly what the impact of an open space allocation is. In my view the correct place to describe the policy implications of the open space allocations is within the open space policies of the Highland-wide Local Development Plan. This is therefore a matter the council should reflect upon in the course of the review of that plan. In the meantime I consider that introducing cross references into the Inner Moray Firth plan could mislead, and I therefore recommend that no changes are made.

11. Regarding the legend for the maps, this works well in the paper version of the plan as a fold-out flap that can be read alongside all the various maps in the document. It may be that the lack of clarity highlighted by the representee is an issue related to the on-line version of the plan. However my primary concern is with the formal hard version of the document as submitted by the council for examination. It may be that the clarity of the on-line version can be improved, but this is a matter for the council to pursue separately.

12. Regarding the relationship between the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan, it is the case that the Highland-wide plan is not a strategic development plan and therefore there is no legal requirement for the Inner Moray Firth plan to be consistent with it. However, the Highland-wide plan went through the statutory preparation process including public consultation and examination, and various strategic planning decisions were made at that time. I consider this matter further at paragraphs 16 to 18 of Issue 9 where I conclude that it is not helpful to revisit the principle of decisions that have been taken through the Highland-wide plan, unless circumstances have clearly and significantly changed.

Reporter's recommendations:

No modifications.