

REPORT TO HIGHLAND COUNCIL

LOCAL DEVELOPMENT PLAN EXAMINATION HIGHLAND-WIDE LOCAL DEVELOPMENT PLAN

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Issue 1	Completing the Unconstrained City Expansion Areas	
Development plan reference:	Policy 1 (Para 9.5, Page 23)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (SNH) (118) GVA Grimley for Asda (165) Mrs Annie Stewart (172) CB Ellis for Grosvenor Eastgate Unit Trust (193) Pritchett Planning for Scottish Widows Investment Partnership Property Trust (SWIP) (228) Homes for Scotland (293) Crofters Commission (271) Scottish Environment Protection Agency (SEPA) (326) Scottish Association for Public Transport (446) M Gilvray (453)</p>		
Provision of the development plan to which the issue relates:	Completing the Unconstrained City Expansion Areas	
Planning authority's summary of the representation(s):		
<p><u>CB Richard Ellis Ltd for Grosvenor Eastgate Unit Trust (193)</u></p> <ul style="list-style-type: none"> • Full support for the redevelopment of these locations. The city centre is in need of redevelopment to ensure that it remains viable as the regional centre of retailing. Redevelopment of the Longman Core will assist in this given its proximity to the city centre. Access must be improved. • Supportive of the contents of the plan and its associated policies - welcome the fact that the plan continues to support the city centre and redevelopment of sites within and around the city centre, and continues to seek an increase in the population of the city in the local development plan life time. • Accept that the east of the city receives significant support in terms of future development however it is also recognised that the existing expansion areas in and around the city/city centre are to receive continued attention prior to any focus being places on the east of the city. • Support 2nd bullet point of Inner Moray Firth Spatial Strategy in terms of the growing city as it seeks to maintain the city centre as the focus for services/retail provision. • Support proposed diversification of the economy as identified on page 18. The city economy will benefit greatly from diversification and is perfectly suited to do so. This will assist in improving the vitality and viability of the city centre. <p><u>Pritchett Planning for Scottish Widows Investment (228)</u></p> <ul style="list-style-type: none"> • Section 9 of the plan indicates that the Council is seeking to consolidate the city and with the focus for growth related to a build out of the existing expansion areas around the city to 2016. However, the policies which follow this statement do not give priority to such development as policy 1 in particular only states that 'The council will support the ongoing development of the expansion areas'. If the council is genuinely prioritising the completion of the unconstrained city expansion areas the plan should be adjusted throughout to make it clear that for all forms of development in the areas identified on figure 4 should take priority over other more peripheral and constrained locations. In those sections which refer to other more peripheral areas the policies relating to development there should be clarified to make it clear that development is not supported in advance of the consolidation areas. 		

M Gilvray (453)

- Supports aim to consolidate and complete city expansion first. It would be useful to have some indication of which areas are already committed and therefore new standards cannot be applied.

Mrs Annie Stewart (172)

- This needs more focus on delivering the development of quality, retail, commercial and cultural opportunities in the city centre. The town centre facilities must match the expectations of the increased residential and visiting population.

GVA Grimley for Asda (165)

- On behalf of our clients Asda Stores Ltd we support the continued allocation of our client's site at Slackbuie for retail development as part of the District Centre serving that area. Our client is planning to build a superstore to serve the needs of the local area with outline permission being granted earlier this year.

Homes for Scotland (293)

- Believe that to be able to meet the Council's housing targets, sites in the right locations should be made available through the Local Development Plan.
- Housing targets are reliant upon a relatively small number of large schemes, many of which still require significant work and investment before they can be delivered. To avoid any potential shortfall in the housing supply during the Local Development Plan period a mechanism should be introduced which would allow additional sites to be brought forward for release which can contribute to the short term land supply.
- There are examples of large scale allocations within the proposed plan that are unlikely to overcome their infrastructure constraints in the near future. Experience across Scotland has shown that sites of such scale are invariably non-effective or at least delayed given the complicated nature of delivery of key infrastructure.
- Homes for Scotland has been challenging Councils across Scotland to provide for additional effective sites that offer range and choice which can augment development strategies. This should be undertaken through the plan preparation stage. The Council is encouraged to identify a plentiful range of complimentary sites, that accord with the spatial strategy, to help and support investment decisions.

Scottish Natural Heritage (118)

- References to the Inverness Local Plan in this policy and other policies in the plan mean that the relevant policies of the Inverness Local Plan should be subject to Habitats Regulations Appraisal of this plan.

Scottish Association for Public Transport (446)

- Agree that development should be focused in Inverness to avoid ribbon development along the A96 corridor.

SEPA (326)

- Section 9, Consolidating the City, Section 10, A96 Corridor, Section 11, East Inverness SEPA notes an inconsistency in the level of detail provided in the various developer requirements outlined in the policies identified in these sections. This lack of consistency will create difficulties for the planning authority and applicants as it could be taken to suggest that the Council would apply varying levels of rigour in assessing proposals for these development sites. We would expect the development briefs for all the allocations identified to be consistent in the requirement for sites to be assessed with respect to Flood Risk and River Basin Management Planning. However, at present some allocations refer to the need for Flood Risk Assessment and others, where we are aware of a need for flood risk assessment, do not refer to this need. A developer would therefore be led to believe that on those where Flood Risk Assessment is not specifically identified, there is no need for Flood Risk Assessment. Similarly, the requirement for connection to the public sewer, Sustainable Drainage Systems (SUDS) and the avoidance of engineering works in the water environment eg no culverting of watercourses

should also be applied in a consistent manner.

- support the **Ness Castle** allocation within this policy as it includes a developer requirement that any development proposals are subject to a flood risk assessment and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. This is because, in addition to Holm Burn, other small watercourses have been identified within the allocations.
- object to the **Culduthel/Slackbuie** allocation within the policy unless the policy includes a developer requirement that any development proposals are subject to a flood risk assessment which would include further information about the various watercourses within the allocation.
- object to the **Inshes/Milton of Leys** allocation unless the policy includes a developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. Further details on specific concerns expressed are contained within SEPA's submission.

Crofters Commission (271)

- Draw attention to the Knocknagael Stud Farm. The Stud is located at the two farm units of Knocknagael and Balrobert lying to the south of Inverness close to the Ness Castle and Culduthel Slackbuie development areas. The modernisation of the stud is essential to the future continuation of the Crofting Cattle Improvement Scheme and will provide Inverness and the crofting areas with a streamlined, modern bull stud facility for the future providing a safe environment for the housing of the bulls, whilst delivering best value for public money.
- The modernisation project will consider and take into account both national policy objectives and the range of objectives identified in the Highland Wide Development Plan and actively input into the Inverness City Vision and the Inner Moray Firth Local Plan. Consideration will be given to the range of feasible activities which could be within the keeping of the Vision and Local Plan and acceptable use of assets to deliver best value of public money.
- Accordingly, we will hold early discussions with Highland Council planners to deliver the best outcome for all parties

Modifications sought by those submitting representations:

- An additional paragraph should be included within section 9 to state that flexibility will be given to allow the release of alternative housing sites to make up the shortfall in housing numbers in the event that individual sites fail to deliver during the proposed delivery period. (293)
- Recognition of potential for diversification at Knocknagael (assumed). (271)
- Adjustment of plan to make it clear that for all forms of development in Figure 4 should take priority over other more peripheral and constrained locations.
- Include developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. (326)

Summary of responses (including reasons) by planning authority:

Lack of alternative land supply (293)

- Matters relating to the Inverness city land supply are dealt with in more detail in the Schedule 4 relating to Issue 86. The Council believes that there is sufficient land supply (as identified in the Council's Housing Land Audit) which is capable of meeting the needs in the short to medium term. In particular the areas covered by this policy are free from significant constraints and are being actively developed or marketed at the present time. Homes for Scotland have not provided the Council with evidence of which sites they feel are not capable of being delivered in the short term, and it is difficult to recommend a mechanism such as they suggest to the Reporter without this information. The Inner Moray Firth Local Development Plan will also allow any short term supply difficulties to be picked up in due course.

Phasing of Development (228, 446)

- The Council strategy is to ensure the consolidation of the city of Inverness with a focus on growth in the existing expansion areas around the city in the period to 2016. The Plan does this by promoting the sites in Figure 4, but also by managing the phasing of the build out of more peripheral areas. This builds in a recognition of the developer interests in all parts of the city and ensures a range of sites are available, albeit with the balance given towards the city expansion areas. It is not considered necessary to change this approach.

Knocknagael (271)

- It is not considered appropriate that detailed provisions for the modernisation project at Knocknagael are included within the Highland wide Local Development Plan. The site is currently identified as Green Wedge in the adopted Inverness Local Plan and it is appropriate that any change to that position is taken forward in the context of the Inner Moray Firth Local Development Plan. The Council would be pleased to have discussions with the Crofters Commission on that basis.

Natural Heritage (118)

- The Council is progressing the Plan’s Habitats Regulations Appraisal (HRA) in conjunction with SNH. The purpose of Policy 1 is to highlight the role that the existing expansion areas as identified in the adopted Inverness Local Plan will play in delivering an effective land supply. The intention is not to revisit the principle of development on these sites. As a result the sites will be screened in respect of the HRA, and appropriate additions, if required, suggested to the Reporter in advance of the Examination period.

SEPA (326)

- The Council accepts that there are different levels of detail provided in the various developer requirements outlined in the policies identified in the sections referred to. The allocations referred to in Policy 1 are covered by policies in the existing adopted Inverness Local Plan, and as such the same level of detail is not required, as the majority of the areas covered by Policy 1 already benefit from planning permission or development briefs.
- The Council would assert that a specific developer requirement is not appropriate to allocations (Inshes/Milton of Leys and Culduthel/Slackbuie) that roll forward the provisions of the approved development plan. In addition the majority of the areas covered by these allocations already benefit from planning permission.
- The Plan’s general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

Natural heritage (118)

1. The Habitats Regulations Appraisal has screened out Policy 1 as having no or minimal effect on Natura sites. This is because in the main it reiterates support for existing proposals from the Inverness local plan, and new proposals are dealt with under later policies, which are screened individually.

Housing land supply (293)

2. As the Council points out, this subject is dealt with in more detail in Issue 86. Paradoxically, representations to that issue claim there is far too much housing land identified in the proposed plan. Overall potential distribution of development to meet the housing land requirement is set out in table 2, and referred to in detail under Issue 86, to which reference should be made. There is a lack of specific detail of any short fall in the representation. Specific sites are carried over in the existing Inverness local plan, and the forthcoming preparation of the Inner Moray Firth local development plan presents an opportunity to bring forward further sites. If it should be the case

that a shortfall is identified, due to allocated sites not being effective, the preparation of the new area plan is the correct mechanism for considering further sites. No modification is required on this matter.

Phasing of development (228, 446)

3. The Council has explained that it is promoting the sites around Inverness, as shown on figure 4, as well as managing the phasing of the build out of more peripheral areas. It recognises that a balance is given to the city expansion areas, and these are listed in the policy - Ness Castle, Culduthel-Slackbuie, Inshes and Milton of Leys. The policy clearly identifies these as the main development sites to be delivered over the period to 2016, and says that these will be supported. I do not find any need for further emphasis on this issue, and no modification is needed.

Knocknagael (217)

4. This representation refers to the Crofters Commission stud farm at Knocknagael to the south of Inverness. The representation is more of a statement of intent with regard to future development than a request to modify the proposed plan. The Council points out that this would be better dealt with as part of the forthcoming Inner Moray Firth local development plan. I agree with this, noting that both parties wish to have discussions about the stud's future development.

City centre development (172)

5. The issues raised under this representation are effectively covered under Policy 3, notably the supplementary guidance for city centre development – see Issue 3. No modification is needed.

Flood risk (326)

6. The Council has stated that many of the proposed areas for expansion are covered by designations carried forward from the Inverness local plan, and/or have planning permission. See for example representation 165 above, which supports the carried forward allocation and confirms the building of a new superstore following the grant of planning permission.

7. Also Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 1.

Supplementary guidance

8. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

9. In this case the policy refers to revised supplementary guidance, but it is somewhat unclear as to its meaning. In response to a further information request the Council has confirmed that it relates to developer contributions, which are dealt with under Policy 32. It has proposed a minor rewording of Policy 1 as follows:

The Council will support the ongoing development of the expansion areas identified within the Inverness Local Plan at Ness Castle, Culduthel-Slackbuie, Inshes and Milton of Leys as the main development sites to be delivered over the period to 2016. These developments will continue to provide contributions towards the enhancement of infrastructure and services in these areas in line with the adopted local plan and supplementary guidance.

I accept this modification, and note that supplementary guidance with regard to developer contributions is dealt with under Issue 32.

Other matters (165, 193)

10. These representations are effectively in support of the policy and do not request any specific modifications.

Reporter's recommendations:

I recommend that the following modification be made:

1. Delete Policy one and substitute:

The Council will support the ongoing development of the expansion areas identified within the Inverness Local Plan at Ness Castle, Culduthel-Slackbuie, Inshes and Milton of Leys as the main development sites to be delivered over the period to 2016. These developments will continue to provide contributions towards the enhancement of infrastructure and services in these areas in line with the adopted local plan and supplementary guidance.

Issue 2	Inverness City Vision	
Development plan reference:	Policy 2 (Para 9.6, Page 23)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (118) Scottish Government (324) Myra Carus (422)		
Provision of the development plan to which the issue relates:	Inverness City Vision	
Planning authority's summary of the representation(s):		
<p><u>Myra Carus (422)</u></p> <ul style="list-style-type: none"> Central Inverness should be considered as the city centre and available empty housing redesigned for people to return to living in the city where all services are available. The transport hubs are in Inverness and so it is common sense to rejuvenate the centre with people who will use the shops, restaurants etc. Money should be spent on giving people homes rather than expensive 'streetscapes'. A pleasant environment is important for health and well-being, but it need not cost a fortune. <p><u>Scottish Natural Heritage (118)</u></p> <ul style="list-style-type: none"> Given spatial frameworks are to be prepared for three areas outlined in the City Vision this policy and the associated spatial frameworks of the City Vision should be subject to Habitats Regulations Appraisal. <p><u>Scottish Government (324)</u></p> <ul style="list-style-type: none"> The Scottish Government considers that Policy 2 inappropriately delegates important policy principles to supplementary guidance. Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 requires supplementary guidance to be limited to the provision of further information or detail in respect of policies or proposals set out in the LDP. In some instances, policies in the proposed LDP give little or no indication of what the policy for an area, or for a topic will be, but instead delegate this wholly to supplementary guidance. The LDP policy is effectively limited to a statement that any development in accordance with the supplementary guidance will be approved. This seems to us to go beyond the legitimate use of supplementary guidance as defined in Regulation 27. The Scottish Government suggest that either the policy is limited to a commitment to complete the City Vision, but not at this stage to adopt it as supplementary guidance; or for the Council to be invited to provide the examination with text describing the main principles of the Vision for inclusion in Policy 2. Alternatively references to the Vision could perhaps be largely removed from this plan, and addressed in the forthcoming Inner Moray Firth LDP. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The Scottish Government suggest that either the policy is limited to a commitment to complete the City Vision, but not at this stage to adopt it as supplementary guidance; or for the Council to be invited to provide the examination with text describing the main principles of the Vision for inclusion in Policy 2. Alternatively references to the Vision could perhaps be largely removed 		

from this plan, and addressed in the forthcoming Inner Moray Firth LDP. (324)

- The Reporter is invited to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, that there is a sufficiently full and clear policy objective on which it is to be based. (324)

Summary of responses (including reasons) by planning authority:

- The Council supports the continued development of Inverness City Centre and this is an important part of the Local Development Plan Spatial Strategy as expressed in the vision statement for the Inner Moray Firth and the Inverness City Vision itself.
- The point raised by Scottish Government in relation to this particular Supplementary Guidance is accepted. The options presented by Scottish Government for the Reporter are reasonable, although the Council's preference would be to state the key elements of the City Vision Strategy within the policy as opposed to removing it in its entirety.
- The Inverness City Vision seeks to address the key city areas based on an assessment of the key strengths and weaknesses. It provides a very visual representation of what particular elements the city should be aspiring to develop, enhance and improve. These areas are:
 - The A9 corridor through the city – the gateway to Inverness
 - The waterfront – an asset the city should take full advantage of
 - The city centre and Raigmore - as a core element of the city urban fabric and a service centre for the whole Highland area
 - The quality neighbourhoods – the creation of sustainable communities and neighbourhoods surrounding Inverness
 - The canal/river/green links - building on the key resource of both the river and canal and the connecting green spaces
 - The 'spider' – the creation of main linkages, priority streets and arteries
- It may be that the reporter sees fit to remove reference to the Inverness City Vision within this policy context. Nevertheless, the Council believes that continued reference to the document is critical within the text supporting the spatial strategy to maintain the link to the Local Development Plan.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

General (422)

1. This representation is a general comment about the future of the city centre. Whilst the points are well made, they are issues that are being considered under the principles used during the preparation of the city vision. These principles will now be included within the proposed plan as set out below. No further modification is required in response to this representation.

Natural heritage (118)

2. The Habitats Regulations Appraisal has been carried out. It concluded that the vision does not contain any new proposals as such and should be 'screened out'. Therefore there is no need for any modification to the proposed plan.

Supplementary guidance (324)

3. In response to a request for further information the Council noted that the vision is still to be completed, anticipated to be in late 2011/early 2012. In this respect paragraph 9.5.2 should be modified to say that the vision is being prepared.

4. The Council has also provided text setting out the principles being followed during the preparation of the vision, as follows:

The main themes and principles which were followed during its preparation are:

- to put the economy at the heart of everything;
- to strengthen the city centre;
- to create a better connected Inverness;
- to create a city for all ages;
- to build on our assets;
- to think tourism;
- to enhance culture, pride and identity; and
- to enable health and wellbeing.

5. The Inverness city vision is a fundamental part of the development of the whole Highland area. Inverness has been one of the fastest growing cities in the whole of the United Kingdom, and as such is a driver for development in the wider locality. I consider that removing the reference to the vision would devalue the plan.

6. The Scottish Government has invited reporters to consider the context within which all references to supplementary guidance are used within the plan. In this case its modification by using the text provided by the Council, with minor editing, will satisfy the requirements of ensuring that the full context of the proposed guidance is set in place.

Reporter's recommendations:

I recommend the following modifications:

1. Delete the first sentence of paragraph 9.5.2 and replace with:
An updated Inverness City Vision is being prepared which highlights the key long term aims for development around the city.

2. In Policy 2 add a second paragraph as follows:
The main themes and principles being followed during its preparation are:

- to put the economy at the heart of everything;
- to strengthen the city centre;
- to create a better connected Inverness;
- to create a city for all ages;
- to build on our assets;
- to think tourism;
- to enhance culture, pride and identity; and
- to enable health and wellbeing.

Issue 3	City Centre Development	
Development plan reference:	Policy 3 (Para 9.7, Page 24)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (HSE) (53) CB Richard Ellis for Grosvenor Eastgate Unit Trust (193) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Inverness City Centre	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>CB Richard Ellis Ltd for Grosvenor Eastgate Unit Trust (193)</u></p> <ul style="list-style-type: none"> • Fully supports this policy - the Council should do all that is in their power to ensure that the city centre benefits from new development. The city centre must continue to evolve to ensure vitality and viability are maintained and enhanced. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to allocation unless a developer requirement is added to include a pre-determination flood risk assessment. • Also requests that the policy should require that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the gas pipeline (assumed). • Additional text to require: a pre-determination flood risk assessment; that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed. 		
Summary of responses (including reasons) by planning authority:		
<ul style="list-style-type: none"> • The City Centre lies outwith the consultation distance of the Cromwell Road petrol storage site, the aviation fuel pipeline and the high pressure gas pipeline. The gas holder on harbour road lies adjacent to the area of land enclosed by the city centre allocation, albeit that no development is actively proposed in this area (railway lines). However, development affecting HSE Hazardous Installation and Pipelines will be assessed under the Physical Constraints Policy and Supplementary Guidance (see Policy 31). • The Council is working with city centre business interests to prepare a City Centre Development Brief. This will highlight opportunities for regeneration and redevelopment within the city centre. This work is underway at present. 		

- The Plan's General Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. The Council is aware of the risk and an initial Flood Scheme for tidal and fluvial flooding has been prepared for the River Ness. This is awaiting capital funding in order for it to be implemented.

Any further plan changes commended by the planning authority:

- It may be appropriate, given that the Inverness Local Plan will be updated by the Inner Moray Firth Local Development Plan (as indicated in the Council's [Development Plan Scheme](#)), to remove the reference to the Inverness Local Plan within the wording of Policy 3. Policy 3 would therefore read:

"The Council will support development proposals for the city centre which maintain and strengthen its vitality and viability. Supplementary Guidance will be prepared by the Council to highlight specific opportunities for redevelopment and enhancement".

Reporter's conclusions:

Health and safety (53)

1. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. The Council confirms that the city centre lies outwith the consultation zones for hazard sites and pipelines, other than the gas holder on Harbour Road. This is located close to the railway where no development is proposed. In any case any proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see issue 31). I am satisfied that no modification is needed to Policy 3.

City centre viability (193)

2. This refers to the need to ensure continuing vitality and viability of the city centre. It will be achieved by identifying development opportunities through supplementary guidance. However, in response to further information requests covering the city centre, and regeneration sites under Policies 3 to 7, the Council has suggested adding a new paragraph prior to 9.7 that would set the context for their regeneration as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be augmented through Supplementary Guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

3. This is a sensible modification that sets the context for the regeneration policies.
4. The Council has suggested removing the reference to the existing Inverness Local Plan from the policy. This is sensible given the forthcoming preparation of the Inner Moray Firth local development Plan.
5. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

6. In response to a further information request the Council has provided additional wording to set out the principles on which the guidance will be founded, as follows:

The main principles of the guidance are:

- to identify key redevelopment sites and underutilised buildings;
- to consider the opportunities to develop a clear civic hub and enhance the heritage of the city;
- to identify improvements to public transport linkages;
- to provide guidance for retail frontages;
- to identify further opportunities to improve streetscape appearance; and
- to integrate with the wider green network.

These will provide the necessary policy foundation for the guidance and the plan should be modified to incorporate them.

Flood risk (326)

7. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 3.

Reporter's recommendations:

I recommend the following modifications:

1. Insert two new paragraphs after paragraph 9.6.1 Policy 2 and before paragraph 9.7 City Centre as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be augmented through supplementary guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

Some paragraph renumbering may be necessary.

2. Delete the present Policy 3 and substitute:

The Council will support development proposals for the city centre which maintain and strengthen its vitality and viability. Supplementary guidance will be prepared by the Council to highlight specific opportunities for redevelopment and enhancement.

The main principles of the guidance are:

- to identify key redevelopment sites and underutilised buildings;
- to consider the opportunities to develop a clear civic hub and enhance the heritage of the city;
- to identify improvements to public transport linkages;
- to provide guidance for retail frontages;
- to identify further opportunities to improve streetscape appearance; and
- to integrate with the wider green network.

Issue 4	Longman Core Development	
Development plan reference:	Policy 4 (para 9.9-9.10, pages 24 and 25)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) CB Richard Ellis for Grosvenor Eastgate Unit Trust (193) Turnberry Consulting Ltd for Highlands and Islands Enterprise (HIE) (240) Scottish Environment Protection Agency (SEPA) (326) M Gilvray (453)</p>		
Provision of the development plan to which the issue relates:	Development of the Longman Core	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. Part of this area may be affected by the BP Oil, Inverness Oil and Agency Pipeline. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>CB Richard Ellis Ltd for Grosvenor Eastgate Unit Trust (193)</u></p> <ul style="list-style-type: none"> • States that the links to the city centre from the core are of the utmost importance, to ensure appropriate connectivity to a redeveloped Longman core into the facilities of the city centre. Suggest great care is taken in the preparation of a proposed masterplan to ensure that future redevelopment does not threaten the city centre. <p><u>Turnberry Consulting Ltd for HIE (240)</u></p> <ul style="list-style-type: none"> • Supports acknowledgement at paragraph 9.9.1 that relocation of Inverness College will create an opportunity to redevelop the Longman Core and regenerate the city centre. <p><u>M Gilvray (453)</u></p> <ul style="list-style-type: none"> • Raises the issue that given that the redeveloped 'Safeway' units are still lying empty, what confidence can there be that the Inverness College site will not also lie empty once UHI moves out of town. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to allocation unless a developer requirement is added to include a pre-determination flood risk assessment. • Also requests that the policy should require that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed. • The reasons are that the land may need to be raised to 3.75 metres Above Ordnance Datum (AOD) to be outwith the 1 in 200 year coastal flood risk area. 		

Modifications sought by those submitting representations:

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the oil pipeline (assumed) (53).
- Additional text to require: a pre-determination flood risk assessment; that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed (326).
- Reinforcement of linkages between the development of the Longman Core and the support of the City Centre in any masterplan which comes forward (193).

Summary of responses (including reasons) by planning authority:HSE (53)

- The site lies outwith the consultation distances for the aviation fuel and gas pipelines, but does lie within the consultation distance of the Cromwell Road petrol storage site. Development affecting HSE Hazardous Installation and Pipelines will be assessed under the Physical Constraints Policy and associated Supplementary Guidance (see Policy 31). The development brief or masterplan will also contain reference to this fact.

SEPA (326)

- The Plan's General Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. The development brief or masterplan for this site will contain reference to this fact.

Linkages to the City Centre (193, 240)

- The linkages with the city centre are set out in paragraph 9.9.1. In addition Policy 4 recognises that any masterplan should be set in the context of improved linkages to the city centre.

Development Potential of the Area (453)

- It should be noted that the redeveloped "Safeway" units referred to above have now been partly occupied by three retail operators. It is also important to note that the purpose of this policy is to promote the opportunities in the area, and allow developers the opportunity to influence the land use mix and layout which may be necessary to regenerate the area.
- There is an existing Longman Core Development Brief which was prepared in the context of the Inverness Local Plan. That promotes the site for a mix of bulky goods retailing, business and office opportunities. Whilst this remains an important document in guiding development, a refresh of this policy position can be prepared with this updated reference in the Highland wide Local Development Plan, ensuring that the area's potential is given an updated policy position.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Background*

1. In response to further information requests covering the city centre, and regeneration sites under Policies 3 to 7, the Council has suggested adding a new paragraph prior to 9.7 that would set the context for their regeneration as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be

augmented through Supplementary Guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

My recommendation that this modification should be made is dealt with under Issue 3.

General (193, 240)

2. These representations are broadly supportive of the policy and effectively seek reassurance that the policy will deliver what it says. In response to a further information request regarding the principles for the preparation of the updated development brief/master plan the Council proposes this should become supplementary guidance. It suggests a rewording of the policy, emphasising this, and setting out the principles for the guidance, as follows:

The Council will support the development of office, leisure, service and retail uses in the Longman Core, as indicated on Map 1. These uses must be presented within the context of an updated development brief or masterplan. The objective of this supplementary guidance will be to coordinate redevelopment of land and property at the “core” of the Longman estate, and set the context for development in this key urban transport corridor, examining the contribution that this location can make. Any proposal in this area must be accompanied by a transport appraisal.

The main principles of the guidance will be to:

- provide improved linkages to the city centre;
- guide the enhancement of design in this important gateway to the city;
- provide improved transport improvements on the A82; and
- develop effective pedestrian and cyclist movement throughout the area.

3. I find this proposed modification provides the reassurance sought and should, with minor editing, be included in the plan.

Health and safety (53)

4. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. The Council confirms that the city centre lies outwith the consultation zones for pipelines, but is within that for the Cromwell Road petrol storage site. In any case any proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see issue 31). This affects all development, and I am satisfied that no modification is needed to Policy 3 that makes specific reference to this.

Flood risk (326)

5. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 3.

Development potential (453)

6. Empty commercial units, even new ones, are a feature of many commercial areas under present economic conditions. The move of Inverness College to the Beechwood campus is a fundamental part of the development of Inverness. Benefits will accrue from this move in educational terms (see Issue 10), and I am satisfied the vacant site at Longman will present a key development opportunity. The development framework/master plan will seek to provide optimum opportunities to take advantage of this when the economic situation improves. No modification to the plan is necessary other than that already referred to above.

Reporter's recommendations:

I recommend the following modifications:

1. Delete the present Policy 4 and substitute:

The Council will support the development of office, leisure, service and retail uses in the Longman Core, as indicated on Map 1. Supplementary guidance will be prepared, within which there will be an updated development brief or masterplan. The objective of this supplementary guidance will be to coordinate redevelopment of land and property at the "core" of the Longman estate, and set the context for development in this key urban transport corridor, examining the contribution that this location can make. Any proposal in this area must be accompanied by a transport appraisal.

The main principles of the guidance will be to:

- provide improved linkages to the city centre;
- guide the enhancement of design in this important gateway to the city;
- provide for transport improvements on the A82; and
- develop effective facilities for pedestrian and cyclist movement throughout the area.

Issue 5	Former Longman Landfill Site	
Development plan reference:	Policy 5 (paras. 9.12-9.14, pages 26-27)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) Royal Society for the Protection of Birds Scotland (RSPB) (78) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326)</p>		
Provision of the development plan to which the issue relates:	Former Longman Landfill Site, Inverness	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. This site is affected by a high pressure gas pipeline. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>RSPB (78)</u></p> <ul style="list-style-type: none"> • Suggests allocation should accommodate a new wetland habitat area as an environmental, recreational and educational resource. Recognises that there may be problems with groundwater contamination. <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> • Believes Policy 5 should be subject to Habitats Regulations Appraisal and careful consideration of appropriate uses given the proximity of the allocation to the SPA/RAMSAR/SSSI designation(s) and two very important/significant roost sites which are sensitive to disturbance. Reserves position until full HRA undertaken. • Queries the apparent contradiction between Policy 5 and 72. Believes Policy 72 safeguards the allocation solely for waste management use. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to allocation unless a developer requirement is added to include a pre-determination flood risk assessment. • Also requests that the policy should require that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed. • The reasons are that the land would need to be raised to 3.75 metres Above Ordnance Datum (AOD) to be outwith the 1 in 200 year coastal flood risk area for this coastline and that the Mill Burn presents a fluvial flooding risk to the site. Objects to any culverting of the Mill Burn. • Recommend that any future Supplementary Guidance assesses and takes account of the constraint to development imposed by contamination and the Council's duty to prevent deterioration of and promote improvement to the water environment at this location. 		

Modifications sought by those submitting representations:

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the gas pipeline (assumed) (53).
- Amendment to policy to include creation of wetland habitat (assumed) (78).
- Phrase “particularly to ensure that there would be no adverse effects on the integrity of the Inner Moray Firth SPA/RAMSAR site” should be added to last sentence of Policy 5 (118).
- Policy 5 should greater emphasis to future community parkland use and less to future waste management (assumed) (118).
- Additional text to require: a pre-determination flood risk assessment; that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed; guidance that there; no culverting of the Mill Burn; that any future Supplementary Guidance assesses and takes account of the constraint to development imposed by contamination and the Council’s duty to prevent deterioration of and promote improvement to the water environment at this location (326).

Summary of responses (including reasons) by planning authority:HSE (53)

- The Aberdeen to Conon Bridge high pressure gas pipeline that passes along the southern and western edge of the allocation has a band of interest of 90 metres either side of its course. HSE specifies 3 inner, middle and outer zone distances for this pipeline of 32, 80 and 90 metres based on the results of a quantified risk assessment which takes account of the pipeline diameter, wall thickness, maximum operating pressure, type of steel and its depth of burial. The 3 zones calculated are the distances at which there are 0.3, 1 and 10 chances per million per year (cpm) of receiving HSE’s dangerous dose of thermal radiation. Where the risk of receiving 10 cpm is not achieved at the pipeline, the Building Proximity Distance calculated from the Institution of Gas Engineer’s IGE/TD/1 code is used for the inner zone distance instead. This section of pipeline has been given a 31 metre inner zone distance. HSE’s consultation distance is wider than 90 metres.
- To prevent built development within a 180 metre or wider corridor would stymie at least a quarter and the most developable part of the allocation. The pipeline band of interest area already affects large areas of public congregation including Inverness Caledonian Thistle Football Ground, Tesco at West Seafield and the dualled sections of the A9 and A96 trunk roads, which each carry an annual average two-way flow of 38,000 vehicles a day. A 10 metre no building corridor over the pipeline route was successfully applied to the football stadium and its extension. Scotland Gas Network Ltd’s (the pipeline operator) consultation interest relates to civil engineering works within specified distances. The closest of which are 15 metres for piling operations and 150 metres for demolition. If the Reporter sees fit then a 15 metre built development set-back (a 30 metre corridor) may be appropriate but the Council believes that a 180 metre corridor would be disproportionate to the additional risk and consequence to public safety posed by the allocation and its likely development. For information, Scotland Gas Network Ltd advised a 31 metre (62 metre corridor) built development set-back for a residential development at North Kessock (relatively close to the allocation site and affected by the same pipeline) based on the inner zone limit. HSE did not advise against this application. HSE also encourages planning authorities to go back to developers if HSE advises against a particular development to see whether developer funded mitigation (laying thicker wall sections for part of the pipeline) may be effective.
- The uses proposed within Policy 5 are less sensitive than the North Kessock example. They exclude residential and include uses that will have restricted public access such as waste management. Most of the allocation comprises a closed but still licensed landfill site and therefore will continue to have controlled public access. The balance of the allocation is also a former landfilled area (albeit not licensed) - the future development of which will be subject to landfill gas contamination assessment. For example, a landfill gas risk assessment led to mitigation measures for the football stadium stands in terms of foundation and building design that allows the natural venting of any sudden release of gas. If the Reporter sees fit then a

specific developer requirement to assess pipeline as well as landfill gas risks may be appropriate.

RSPB (78)

- The Longman landfill area lies adjacent to inter-tidal mudflats which are a designated habitat for important bird species. The Council accepts this constraint and opportunity. Subject to the limitations (and eventual surrender) of the SEPA landfill licence, the Council would hope to extend existing opportunities to view wading birds on the adjacent foreshore areas. However, the seaward edge of the licensed landfill area is the most recently tipped and will therefore not be available for uncontrolled public access (in SEPA's view) for another 20-30 years due to the continued generation of landfill gases and need for gas monitoring. Eventually, the south eastern section of the allocation (south east of the Mill Burn) would be the most appropriate for a network of paths and bird hides as its landform and severance makes it less suitable for development and it is directly adjacent to the SSSI and affords the best viewing angle of the inter-tidal area.
- RSPB's suggestion for the creation of wetlands on the landfill area itself is impracticable. The newest part of the landfill (south east of the Mill Burn) is sealed within a geo-textile membrane and is contoured to shed rather than hold water. The other parts are flat and have a relatively shallow soil or other cap above waste cells. Very shallow, temporary, surface water ponding occurs due to differential settlement but not to a suitable extent or depth to create permanent wetland habitat. The underlying ground is free draining sand and gravels. Creating such habitat would require disturbance to or digging out of waste.

SNH (118)

- The Council is progressing the Plan's Habitats Regulations Appraisal (HRA) in conjunction with SNH. The Council accepts that this allocation should not be screened out and should be subject to full HRA. Details of appropriate mitigation will be confirmed through this process but the issue of potential disturbance is also accepted.
- As in the response to RSPB above, the Council does not wish to support built development south east of the Mill Burn (the part of the allocation closest to the SPA/RAMSAR/SSSI site(s)). This area may, in time, become a suitable, untended links area with access only by informal path and structures limited to bird hides. As such, this will ensure a considerable built development set-back from the designation(s) boundary which should minimise or eliminate any disturbance issue. It should be noted that the A96 trunk road and Inverness-Aberdeen railway line are closer to the designation(s) and are a more likely existing source of disturbance.
- The Plan's waste management policies safeguard former landfill sites as areas of search for new waste management facilities. However, they don't reserve the whole of the Longman site exclusively for waste management purposes. Indeed Policy 72 includes the wording, "except ... where they have been allocated in the development plan for redevelopment." The Longman allocation encloses 117 hectares providing adequate space within which to separate less compatible uses. The Council's intention is to taper the intensity of land use down from urban, commercial and industrial at the north-western end down to a wildlife area south east of the Mill Burn. This fits the allocation's constraints and opportunities.

SEPA (326)

- The Plan's general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. The Council accepts that the Longman landfill allocation falls partly within the 1 in 200 year flood risk area. In any event, the Council has already undertaken a detailed [flood risk assessment](#) for this area which demonstrates no material coastal or fluvial flooding risk from a 1 in 200 year event. The land has already been raised to a minimum of 6 metres AOD. As explained above, the area south east of the Mill Burn will be undevelopable for the next 20-30 years so there is no reason for the Council (or any other likely developer) to propose to culvert the Mill Burn.
- The Council agrees that any future Supplementary Guidance for this allocation should assess and take account of the constraint to development imposed by contamination. Indeed, the Council has already funded ground investigation works over part of the allocation but believes

that this level of detail is not appropriate to a strategic document such as the Highland wide Local Development Plan.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Background

1. In response to further information requests covering the city centre, and regeneration sites under Policies 3 to 7, the Council has suggested adding a new paragraph prior to 9.7 that would set the context for their regeneration as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be augmented through Supplementary Guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

My recommendation that this modification should be made is dealt with under Issue 3.

Health and safety (53)

2. The Council has provided above a comprehensive summary of the issues relating to pipeline safety and the way in which these have already been dealt with in that part of the site that has already been redeveloped for the football stadium. The HSE notes that sensitive uses include residential and those frequented by the public. Residential is unlikely in this case, but the football stadium use actively encourages the public onto the area covered by the pipeline consultation zone. The key issue, as the HSE points out, is therefore the type and scale of development that may be proposed.

3. In response to a further information request the Council has explained that the site suffers from multiple and complex constraints, which in themselves may prevent development, or severely restrict what types of development will be feasible. Feasibility and suitability work will therefore be required prior to any guidance on design, detailed layouts and standards.

4. Taking this into account, and bearing in mind the existing redevelopment already allowed on the site at the football stadium, it would be premature to set down rigid guidelines at this stage that would restrict excessively the scope for development that may well be compatible with the pipeline hazard. Any development will in any case be subject to further consultation with HSE, so there is no question of Policy 5 giving an overriding go ahead for specific developments.

5. That said I accept the Council's suggestion to maintain a 30 metre development free corridor (15 metre set back either side of the pipeline), broadly in line with that imposed at the stadium. Reference should also be made to the need to assess pipeline as well as landfill gas risks.

6. The Council has also suggested modifications to paragraphs 9.12.1 and 9.13.1 as follows:

Paragraph 9.12.1 - delete final sentence and replace with: "The Council is undertaking feasibility work to test the viability and suitability of this land for development."

Paragraph 9.13.1 - delete first four lines of Policy 5 and replace with: "Land at the former Longman Landfill site (as indicated on Map 2) is allocated for mixed use development. The Council's final

decision on the optimum mix of uses will require further, ongoing feasibility work. This will include consideration of landfill gas risks and strategic road capacity. The Council currently favours a range of uses including:"

7. This removes the references to supplementary guidance, which will be located more logically at the end of the policy, and sets out more clearly the constraints of the site. Subject to editing to bring the modifications together, and refer to the pipeline constraints and contamination (see below) these modifications should be included.

New habitats (78)

8. The Council has explained above the constraints on the site area for habitat creation. I do not have any evidence that contradicts this. Policy 5 as proposed notes a range of possible uses for the site including community/public open space. This provision would be in accordance with the Council's suggestion that the south-eastern part of the site would be appropriate for a network of footpaths and bird hides. This would take advantage of the site's proximity to the inter-tidal mud flats. Given the long term time scale I do not consider it is necessary for any further detail to be included in the plan at this stage.

Natural heritage (118)

9. The Habitats Regulations Appraisal recognises development may result in the loss of habitat and/or species due to the creation of additional noise, disturbance and physical damage from recreational activities, and potential for pollution from possible commercial, industrial, waste management and energy from waste uses.

10. The appraisal proposes mitigation by amending the last sentence of the policy to read:

The potential for other uses including retail and residential will also be examined as well as the potential environmental impact of proposals, particularly to ensure that there would be no adverse effects on the integrity of the Inner Moray Firth SPA/Ramsar site.

11. It considers the revised wording would ensure that the SPA/Ramsar site is considered in advance and offered the appropriate level of protection. If done there would be no residual adverse effect on the integrity of the European site. The plan should therefore be modified as proposed.

12. I have noted the Council's explanation about the apparent contradiction between Policies 5 and 72. On the basis of this I consider the two policies to be compatible, and no modification is needed.

Flood risk and pollution (326)

13. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 5.

14. As the Council points out, the south-east section of the site is likely to be undevelopable for the next 20 to 30 years. I agree that that the culverting of the Mill Burn is not an issue.

15. The Council has accepted that any future supplementary guidance should make reference to development constraints due to contamination. I agree the plan should be modified to take this into account, and it is dealt with below.

Supplementary guidance

16. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is proposed for a master plan and viability testing.

17. This has been superseded by the Council's proposals set out in paragraph 6 above. Under the proposed modifications the references to supplementary guidance would be deleted. Instead the supplementary guidance would be used to provide an updated policy on the optimum future land uses, and include the principles under which the guidance will be prepared, as follows: Add sentence to end of policy: "If and when the site proves suitable for development supplementary guidance will be prepared to indicate the Council's updated policy on the optimum mix, arrangement, design and servicing of future land uses. The guiding principles for such guidance will be:

The need:

- to minimise landfill gas and other risks;
- to not compromise strategic road network capacity;
- to safeguard adjacent natural heritage interests; and
- to deliver an effective development site."

18. This proposal would meet the requirement for supplementary guidance to have a clear policy tie in to the plan. It should be extended to include a reference to contamination, referred to above, and subject to that I agree the plan should be modified.

Reporter's recommendations:

I recommend the following modifications:

1. Delete final sentence of paragraph 9.12.1 and replace with:

The Council is undertaking feasibility work to test the viability and suitability of this land for development.

2. Delete Policy 5 (paragraph 9.13.1) and replace with:

Land at the former Longman Landfill site (as indicated on Map 2) is allocated for mixed use development. The Council's final decision on the optimum mix of uses will require further, ongoing feasibility work. This will include consideration of landfill gas risks, contamination, and strategic road capacity.

The Council currently favours a range of uses including:

- waste management and other renewable uses including energy from waste;
- commercial and industrial uses; and
- community/public open space.

The potential for other uses including retail and residential will also be examined as well as the potential environmental impact of proposals, particularly to ensure that there would be no adverse effects on the integrity of the Inner Moray Firth SPA/Ramsar site.

If and when the site proves suitable for development supplementary guidance will be prepared to indicate the Council's updated policy on the optimum mix, arrangement, design and servicing of future land uses. The guiding principles for such Guidance will be:

The need:

- to minimise landfill gas and other risks;
- to tackle any problems of contamination;
- to provide a 30 metre undeveloped corridor to safeguard the high pressure gas pipeline;
- to not compromise strategic road network capacity;
- to safeguard adjacent natural heritage interests; and
- to deliver an effective development site.

Issue 6	Muirtown and South Kessock	
Development plan reference:	Policy 6 (paras. 9.15-9.17, pages 28-29)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (HSE) (53) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326) Inverness Canoe Club (ICC) (341) Trustees of the Harbour of Inverness (352)		
Provision of the development plan to which the issue relates:	Muirtown and South Kessock regeneration areas	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. This allocation includes a Calor Gas compound which deals with the storage of various gas cylinders. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> • Reserves position on Habitats Regulations Appraisal (HRA) until Council undertakes further assessment. Particular concerns about increased pier usage and its impact on dolphins as a qualifying interest of the marine Moray Firth Special Area of Conservation. • Asserts that Merkinch Local Nature Reserve should be shown on Map 3 and excluded from the allocation boundary. • Seeks clarification because para. 9.15.1 and Appendix 6.3 says a development brief/masterplan will be prepared but Policy 6 itself doesn't. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects unless there is pre-allocation-confirmation flood risk assessment and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. • Reasons that a large part of the allocation falls within the 1 in 200 year coastal flood risk area, that the construction of the connecting causeway to Muirtown is not suitable as a flood defence, and that the Caledonian Canal may overflow into the allocation. • Recommends no culverting of the watercourse and a general Council commitment to safeguarding and improving water quality. <p><u>ICC (341)</u></p> <ul style="list-style-type: none"> • Desires that Policy 6 and subsequent masterplanning process supports and enhances recreational use of the Muirtown Basin for water based activities including those of the Club. • Wants support for smaller scale facilities such as a new club house and storage facility for its Club. Concerns that larger scale interests and proposals will take precedence in the masterplanning process. • Explains the importance of the Club: 300 members; long standing local roots; voluntary organisation; works with another local group; growth constrained by small, shared existing facility, and; Muirtown Basin optimum location because Club needs easy access to sheltered water. 		

Trustees of the Harbour of Inverness (352)

- Supports the Council's development strategy for Muirtown and South Kessock. Clarifies that the spit of land west of the River Ness entrance is owned by IHT and the Trust is receptive to its development.

Modifications sought by those submitting representations:

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the Calor Gas compound (assumed) (53).
- Merkinch Local Nature Reserve should be shown on Map 3 and excluded from the allocation boundary (118).
- Addition of development brief/masterplan requirement to Policy 6 (assumed) (118).
- Deletion or reduction of the allocation unless a pre-allocation-confirmation flood risk assessment demonstrates that the area enclosed is outwith the functional floodplain as defined by Scottish Planning Policy (326).
- Amendment/addition to Policy 6 to clarify that the masterplanning process will safeguard and support the expansion of existing small scale water based activities at Muirtown Basin (assumed) (341).

Summary of responses (including reasons) by planning authority:HSE (53)

- The outer zone of the Calor Gas Ltd gas cylinder hazard HSE interest area extends approximately 200 metres from the outer edge of the compound covering most of the existing Carse industrial estate. It also encloses most of the small, undeveloped portion of the industrial estate. Planning permission has been granted for the internal access road to service this undeveloped land.
- Given that most of the land within the outer zone boundary comprises an existing industrial estate and that planning permission for the servicing of the remaining plots has been granted then the Council does not see any justification for a Plan amendment. Future uses are very likely to be within Use Classes 4, 5 and 6. Using HSE's sensitivity criteria; employment densities are likely to be low, buildings single storey and companies not likely to have an exclusively disabled workforce.
- The other most developable part of the allocation is that area adjoining the Muirtown Basin which is outwith or on the very edge of the outer zone boundary.

SNH (118)

- The Council is progressing the Plan's HRA in conjunction with SNH. The Council accepts that this allocation should not be screened out and should be subject to full HRA. Details of appropriate mitigation will be confirmed through this process but the issue of potential disturbance is also accepted.
- The purpose of the allocation is to promote the regeneration of the most multiply deprived area in Highland. The boundary is widely drawn to encompass particular, potential development sites: adjoining the Muirtown Basin; the vacant sites at the Carse Industrial Estate, and; the prospects for redevelopment of the South Kessock housing area. The aim is to improve pedestrian and economic connections between these areas through a masterplanned approach.
- The Council does not wish to promote development on every parcel of land within the allocation. The wider boundary allows for the development sites listed above to be considered within a wider context.
- If the Reporter disagrees with the need to provide context and promote connections and benefits between the listed development sites then the Council's view on the most appropriate boundary amendment would be to remove the area covered by the local nature reserve, plus the railway land that passes through it and the South Kessock pier area. The Council has no intention to promote the pier area for commercial dolphin watching cruises. The only on-shore

land available for such a facility is currently used as for a picnic area, parking, turning and low key interpretation of off-shore natural heritage. The Council is not promoting any change to these current uses.

SEPA (326)

- The Council would assert that a specific developer requirement is not appropriate to an allocation that rolls forward the provisions of the approved development plan. The only substantive changes are to announce the concept of a masterplan led approach so that there can be future statutory supplementary guidance hooked on a policy in an approved local development plan and the need for a more comprehensive approach to transport improvements and contributions in this wider area.
- The Plan’s general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. The Council accepts that a large part of the allocation falls within the 1 in 200 year coastal flood risk area.
- The recent West Highland and Islands Local Plan Examination considered the legitimacy of a pre-allocation-confirmation flood risk assessment requirement. The Reporter concluded in the Report of Examination (pages 205-206) that it was “appropriate and sufficient” for the flood risk assessment to be a developer requirement prior to determination of a planning application not prior to confirmation of the development plan allocation. His conclusion was based upon the view that it is more robust and effective to assess a particular development on a particular site than a widely drawn, unspecific use, allocation boundary. The Council concurs with this conclusion and reasoning and believes it has general applicability as a principle that should be applied to similar allocations including the one covered by Policy 6.
- As explained above, the Council does not intend to support development on every part of the allocation. If the Reporter sees fit then the exclusion of the local nature reserve area would remove the vast majority of the allocation’s undeveloped land that falls within the 1 in 200 year coastal flood risk area. This would also be the land immediately behind the causeway.
- The Council has no intention to culvert any watercourse within the allocation boundary. It is working with British Waterways Scotland to look at development fringing the Muirtown Basin which may include additional pontoon structures but will be mindful of water quality issues in progressing any such proposals at this location.

ICC (341)

- The intended masterplanning process will address the issue of canal users’ interests in any Muirtown Basin development. It is very likely that British Waterways Scotland as a public body will promote (and the Council as planning authority will support) a scheme that results in no net detriment to existing users. However, any enhancement to existing facilities will be a matter for a more commercial negotiation between parties.

IHT (352)

- IHT’s support is welcomed. However, the Cairn Arc spit is not promoted for development through the Plan. It is constrained in terms of shape, flood risk, recreational value and the presence of considerable Scottish water infrastructure.

Any further plan changes commended by the planning authority:

Clarification of the purpose of Policy 6 by removing the final sentence from para. 9.15.1 and adding it to the end of Policy 6.

Reporter’s conclusions:

Background

1. In response to further information requests covering the city centre, and regeneration sites

under Policies 3 to 7, the Council has suggested adding a new paragraph prior to 9.7 that would set the context for their regeneration as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be augmented through Supplementary Guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

My recommendation that this modification should be made is dealt with under Issue 3.

Health and safety (53)

2. The Council has provided above a summary of the issues relating to pipeline safety, and I note that much of the notification zone for the Calor Gas depot is already developed or has planning permission for a new internal access, to support further commercial development. Sensitive uses include residential and those frequented by the public, and I note that the most likely uses in this area are expected to be in use classes 4, 5 and 6. These are commercial or industrial uses that are not sensitive.

3. I am satisfied from this that any additional development proposed for the area is unlikely to pose any significant new problems in terms of the pipeline. In any case any future proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see Issue 31). I am satisfied that no modification is needed to Policy 6.

Natural heritage (118)

4. The Habitats Regulations Appraisal recognises development may result in the loss of species due to the creation of additional noise and disturbance from commercial and/or recreational marine activities.

5. The appraisal proposes mitigation by amending the last sentence of the policy to read:

The Council will support master plan led development proposals in the short term which fit with the existing Inverness Local Plan for the development of the area, whilst seeking to ensure that they deliver improvements to the transport network, including improvements at the Telford Street Retail Park roundabout, and do not result in adverse effects on the integrity of the Moray Firth SAC.

6. It considers the revised wording would ensure that the impact of any proposed developments contained within a future master plan must take cognisance of the effects on the Moray firth SAC. It considers that if this is done there will be no residual adverse effect on the integrity of the European site.

7. I accept that this will resolve any potential conflicts between development and the designated European site, and that the plan should therefore be modified as proposed.

8. The HRA also refers to the designation on Map 3 of the Merkinch nature reserve, as mentioned above. The site designation maps in the Highland-wide plan are largely indicative of those areas that the Council wishes to bring forward before the three area based local development plans are produced and adopted. As such they do not go into detail of individual land use units within the sites, but rather designate the whole as mixed use allocations. More detailed proposals are outlined in those parts of the existing local plans being carried forward, or will be in the forthcoming new area plans. The proposed pre-ambule to Policy 6 and the policy itself, make reference to the existing Inverness local plan. I do not therefore find any justification for modifying the boundary of the area shown on Map 3, or indicating the specific nature reserve use.

9. With regard to clarification regarding the preparation of a master plan/development brief, this will now be clearly stated in the policy under a modification proposed below.

Flood risk (326)

10. The Council refers to the conclusions of the examination for the relatively recently adopted West Highlands and Islands local plan. This is set out above, and I note it requires a flood risk assessment only prior to determination of a planning application, rather than inclusion of a site in a development plan. I concur with this view.

11. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 6. It also backs up the findings of the examination just referred to.

12. I note that the greater part of the undeveloped area of the site that falls within the 1 in 200 year coastal flood risk area is occupied by the local nature reserve. This would remain undeveloped. The nature reserve would be one of the mixed uses, and I see no need to reduce the size of the designated site on account of this.

13. With reference to culverts, if there is any need to develop this theme further it would be more appropriate to deal with it as a matter of detail in the forthcoming Inner Moray Firth Area local development plan.

Muirtown basin (341)

14. The council sees the matter of enhanced facilities for the canoe club as a matter of commercial negotiation rather than the local plan, and I understand this view. However, it accepts that the master plan process will address the issue of all canal users' interests, and it would be helpful for this to be acknowledged in the principles and objectives of the master plan (see below).

Cairn Arc spit (352)

15. This representation is more of a statement of support than a request for any modification. The Council points to constraints on the development area, but any consideration of this would be more appropriate for the forthcoming local plan. No modification is needed here.

Supplementary guidance

16. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

17. There is no mention of supplementary guidance in Policy 6 of the proposed plan. However, in response to a request for further information on the clarity of the policy the Council raised a number of issues. One relates to the balance between the Highland-wide plan and the carry forward allocations of the existing Inverness local plan. The latter elements would be a relatively short-term allocation until the area plan for the Inner Moray Firth is prepared and adopted. In the meantime the Highland-wide plan has a more strategic aspect setting a framework for the area plans. In these circumstances I do not see any conflict if there is an overlap of land allocations as long as these are compatible. This would be the case here. Also such overlap could well assist the overall clarity of the plans, taken together. There is no need for any modification on this account.

18. On the basis that this premise would be accepted, the Council has proposed the re-wording of the policy to accept this point. It also proposes the adoption of the master plan or development brief as supplementary guidance as follows:

The Council will support development proposals for the Muirtown/South Kessock area (as indicated on Map 3) which fit with the provisions of the existing Inverness Local Plan. The Council intends to

adopt as supplementary guidance a future developer led master plan or produce its own development brief for part or all of the area. This master plan or brief will be guided by the following principles and objectives:

- net improvement of the local transport network including the junction at Telford Street Retail Park;
- maximum employment potential from commercial use of the waterfront frontage at the Muirtown Basin;
- safeguarding and if possible enhancement of navigation, heritage features and public pedestrian access; and
- greater diversification of housing tenure and renewal of housing stock within the area.

19. Subject to adapting this to incorporate the slightly different wording referred to in paragraph 5 above, regarding the protected areas, and the addition of a reference to water based recreational facilities, this modification should be made. The acceptance of this means that the proposed modification made by the Council above (under any further plan changes) is no longer necessary.

Reporter’s recommendations:

I recommend the following modifications:

1. Delete the proposed Policy 6 and replace with:

The Council will support master plan led development proposals for the Muirtown/South Kessock area (as indicated on Map 3) in the short term which fit with the provisions of the existing Inverness Local Plan for the development of the area, whilst seeking to ensure that they deliver improvements to the transport network, including improvements at the Telford Street Retail Park roundabout, and do not result in adverse effects on the integrity of the Moray Firth SAC.

The Council intends to adopt as supplementary guidance a future developer led master plan or produce its own development brief for part or all of the area. This master plan or brief will be guided by the following principles and objectives:

- net improvement of the local transport network including the junction at Telford Street Retail Park;
- maximum employment potential from commercial use of the waterfront frontage at the Muirtown Basin;
- safeguarding and if possible enhancement of navigation, water based recreation facilities, heritage features, and public pedestrian access; and
- greater diversification of housing tenure and renewal of housing stock within the area.

Issue 7	Inshes and Raigmore	
Development plan reference:	Policy 7 (paras. 9.18-9.20, pages 30-31)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) Pritchett Planning for Scottish Widows Investment Partnership Property Trust (SWIP) (228) Graham and Sibbald for Mr and Mrs Grant (231) Turnberry Consulting Ltd for Highlands and Islands Enterprise (HIE) (240) Scottish Environment Protection Agency (SEPA) (326) NHS Highland (411) Halliday Fraser Munro for RF More Properties Ltd (RF More) (479) Tesco Stores Limited (520)</p>		
Provision of the development plan to which the issue relates:	Inshes and Raigmore Mixed Use Allocation	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. This site is in the general proximity of both a high pressure gas pipeline and an aviation fuel pipeline. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>SWIP (228)</u></p> <ul style="list-style-type: none"> • Requests specific delineation and clarification of commercial role and importance of Inshes District Centre. Requests that centres such as Inshes which are already identified within the adopted local plan should be prioritised ahead of new allocations as this would fit with the Plan's theme of and priority for consolidation within the City. Also requests clarification of Council's future policy intentions for the area. <p><u>Mr and Mrs Grant (231)</u></p> <ul style="list-style-type: none"> • Clarify that they wish their land to be developed in the future rather than form part of the distributor road open space buffer. Mention support for this view from adopted local plan and record that they will comment in further detail during the forthcoming Inner Moray Firth Local Development Plan process. <p><u>HIE (240)</u></p> <ul style="list-style-type: none"> • Agrees that improving Inshes Roundabout is an important priority but suggests the Plan should clarify that the development of Beechwood Farm is not dependent upon this improvement. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to allocation unless the policy includes a developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. Believes the allocation is subject to small watercourse flood risk in particular from the Inshes Burn. <p><u>NHS Highland (411)</u></p> <ul style="list-style-type: none"> • Reports that NHS Highland is likely to review its Raigmore campus functions and facilities in the short term. The review will consider several options ranging from relocation of all existing 		

facilities to a new greenfield site to redevelopment within the existing site. Wants the Raigmore allocation to keep all options open at present.

RF More Properties Ltd (479)

- Seeks inclusion of land south of Inshes District Centre within the Policy 7 mixed use allocation. Reports it owns part of the suggested land and will also progress the detail of the suggestion through discussions and representation on the Inner Moray Firth Local Development Plan.
- Gives the following reasons for the land's inclusion. It fits with the Plan's Vision for the Inner Moray Firth of focusing growth where infrastructure exists. There is limited scope within the allocation for development. An access from the Southern Distributor Road has already been formed. It is important to make a strategic allocation in this area with capacity for development. The land is underused and makes no visual or environmental contribution to the area. The land's development will benefit the local community. The land is accessible, marketable and deliverable. It could be developed for a use that would enhance the commercial success of Inshes District Centre.

Tesco (520)

- Disputes the Map 4 allocation of Inshes District Centre as mixed use. Asserts that the adopted Inverness Local Plan allocates Inshes as a commercial district centre and that this better matches its function, role and uses (which are primarily retail and leisure). Believes that any future development will also be retail. Suggests that different uses will cause conflict to the "operational characteristic" of the centre and that a retail district centre allocation would ensure compatibility with Scottish Planning Policy.

Modifications sought by those submitting representations:

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the gas pipeline (assumed) (53).
- Amendment to Map 4 to specifically delineate Inshes District Centre as an existing, high priority, commercial centre. Also requests clarification of Policy 7 and supporting text (assumed) (228).
- Clarification in Policy 7 and supporting text that development at Beechwood Farm is not dependent upon improvements to Inshes Roundabout (assumed) (240).
- Policy 7 should include a developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy (326).
- Policy 7 should be flexible in terms of the future uses and configuration of NHS Highland's interests at Raigmore (assumed) (411).
- Map 4 mixed use allocation should be extended on its southern boundary to include part of land between Inshes District Centre and Inshes Primary School (479).
- Map 4 mixed use allocation should be removed and replaced (as it relates to Inshes District Centre) with an allocation as a district centre (520).

Summary of responses (including reasons) by planning authority:

HSE (53)

- The northern tip of the allocation is approximately 450 metres from the route of the Aberdeen to Conon Bridge high pressure gas pipeline at its closest point. That pipeline has a band of interest of 90 metres either side of its course. Scotland Gas Network Ltd's (the pipeline operator) consultation interest relates to civil engineering works within specified distances. The closest of which are 15 metres for piling operations and 150 metres for demolition. The only operation with an applicable consultation distance would be mining which carries a 1km distance but this is irrelevant to the uses existing and proposed.
- Similarly, the Inverness to Lossiemouth aviation fuel pipeline comes within approximately 425 metres of the northern tip of the allocation. This pipeline doesn't carry an official, operator consultation distance but the Council has informally agreed a 100 metre distance with the operator Babcock Facilities Management.

- Accordingly, the Plan allocation is not proposing any relevant use within any applicable, hazard consultation distance.

SWIP (228)

- The Council's intention is to roll forward the existing local plan's (the Inverness Local Plan: Adopted 2006) (various pages and City Inset Map) provisions for this general area but to highlight the intention to prepare supplementary guidance in the form of an updated land use strategy so that there can be future statutory supplementary guidance hooked on a policy in an approved local development plan. The only substantive change is to recognise that a more comprehensive approach to transport improvements and contributions is needed in this area.
- This comprehensive approach is required because circumstances have changed significantly since the adoption of the local plan in 2006. The Scottish Government's Strategic Transport Projects Review now includes a commitment as part of the A96 Inverness to Nairn Upgrade to provide a dual carriageway link between the A9 and A96. Lifescan Scotland has continued its expansion at Raigmore which has also accommodated the new Centre for Health Sciences. The University for the Highlands and Islands new campus at Beechwood (east of the allocation) has also been confirmed. All these changed circumstances have or will place severe constraints on the road network in this area in particular on Inshes Roundabout.
- Accordingly, the Council wishes to promote a co-ordinated approach to resolving these constraints. This is likely to involve the re-configuration and/or relocation of existing uses but also the possibility of limited new build development - all aimed at achieving a net benefit to the local and strategic road networks. However, because the detailed nature of these road improvements has yet to be decided it is not possible to provide further clarification at this stage. A development brief/framework plan for the area or if necessary the Inner Moray Firth (area) Local Development Plan will provide the most appropriate way to decide on these details.
- The issue of the relative priority for bulky goods retail of Inshes District Centre vis-à-vis the Inverness Retail and Business Park new allocation is covered under the Issue 11 schedule: Inverness Retail and Business Park.

Mr and Mrs Grant (231)

- Mr and Mrs Grant's support is welcomed and the re-affirmation of their previous position is noted.

HIE (240)

- The Plan's Policy 10, Beechwood Campus clarifies the Council's position that developer contributions are required toward the improvement of Inshes Roundabout from the development of that allocation. The Campus now benefits from a "minded to grant" Committee decision (Item 3.1). Issue of a permission is subject to ongoing negotiation of a section 75 agreement. HIE have agreed in principle to make financial contributions toward this improvement. For clarification, the Campus proposal is not dependent upon prior completion of the Inshes junction improvement only a legal commitment to pay a contribution proportionate to its impact on that junction and to the improvement cost.

SEPA (326)

- Specific developer requirements are not appropriate to a strategic allocation, which is only intended to roll forward the provisions of the approved development plan and better co-ordinate strategic transport contributions and improvements.
- The Plan's general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy (SPP) compliant flood risk assessment (FRA) for developments within any 1 in 200 year flood risk area. Policy 65 also triggers an SPP compliant FRA where "better local flood risk information is available and suggests a higher risk".
- The Council accepts that localised flood events have taken place in this area and these and information resulting from the Dell Burn Flood Study would justify a developer funded FRA for any significant development. Provision of water storage attenuation areas and watercourse improvements have taken place in recent years but further FRAs would be appropriate. However, this doesn't require an amendment to Policy 7 when Policy 65 already provides an adequate FRA trigger.

NHS Highland (411)

- The flexibility of future use and configuration requested is embodied within the existing policy. The Council would welcome further joint working with NHS Highland as its option appraisal work continues.

RF More Properties Ltd (479)

- The suggested extension land has a complex planning history. The decision letter from DPEA appeal reference PPA-270-294 dated 17 February 2005 gives the principal background. Lidl then lodged another foodstore application for this suggested extension land. It was refused by the Council in June 2010. No appeal has been lodged. The land also has planning permission for a district park and for an access to a 5-a-side soccer complex.
- The suggested extension land is allocated for amenity use within the adopted local plan (City Inset Map). This is as a mixture of formal and informal open space. The formal element relates to the Inshes District Park proposal, work on which is about to begin.
- The Council's general amenity policy in the adopted local plan safeguards areas "from development not associated with their purpose and function." Accordingly, the extension land suggested may have very limited potential as a gateway to the new district park or as a landscaped drop-off and turning area to the adjacent primary school but is not suitable for commercial buildings.
- The Council agrees that land should be allocated to support commercial growth. However, the Inverness Local Plan, the Highland wide Local Development Plan, extant permissions and minded to grant Committee decisions provide sufficient land for commercial development within the City. There are also vacant and under-used sites within Inshes District Centre (albeit there is a title restriction on further food retail within the centre).
- The suggested extension land does contribute to the amenity of the area providing a green buffer and set-back between distributor roads and housing/ district park areas.

Tesco (520)

- The mixed use allocation promotes flexibility and certainly does not exclude further retail development within the Inshes District Centre. The title restriction imposed at the request of Tesco does far more to restrict (food) retail within the Centre.
- There is already a community church within the Centre which doesn't cause conflict to its "operational characteristic." To prevent other community uses would not be appropriate particularly where they too would benefit from district centrality and good public transport accessibility.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Background*

1. In response to further information requests covering the city centre, and regeneration sites under Policies 3 to 7, the Council has suggested adding a new paragraph prior to 9.7 that would set the context for their regeneration as follows:

The five Inverness City regeneration/action areas have been identified as their development is a vital part of the sub-regional vision and strategy of consolidating the City ahead of significant expansion elsewhere (see Figure 4). It is intended that the detail for each of these sites be augmented through Supplementary Guidance, in the form of a development brief and the forthcoming Inner Moray Firth Local Development Plan.

Appendix 6.3 of the Plan contains a standard description for each and every listed piece of supplementary guidance, including those which will be brought forward in the form of a development brief.

My recommendation that this modification should be made is dealt with under Issue 3.

Health and safety (53)

2. The Council has stated that there are no pipelines within the agreed consultation distances for various development proposals, with the exception of that for mining, which requires a one kilometre separation. That is not relevant here. I am satisfied from this, therefore, that any additional development proposed for the area is unlikely to pose any significant new problems. In any case any future proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see Issue 31). I am satisfied that no modification is needed to Policy 7.

Supplementary guidance

3. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is proposed for a master plan and viability testing.

4. In response to a further information request the Council has proposed a new wording for Policy 7, taking into account the need for guiding principles for the supplementary guidance, as follows:

The Council will produce a development framework for the Inshes and Raigmore area (as identified on Map 4), which will be brought forward as Supplementary Guidance. The guiding principles for such Guidance will be:

- to promote, co-ordinate and best utilise improvements to strategic road capacity;
- to build consensus with the community and stakeholders;
- to achieve no net detriment to the existing surface water drainage regime and attendant flood risk;
- the reconfiguration of the Raigmore Medical Campus to allow better public transport and active travel connectivity and to assess the potential for additional primary care facilities in place of staff accommodation;
- the southern expansion of the Police Headquarters;
- the reconfiguration and potential expansion of Inshes Retail Park provided that expansion helps deliver improvements in strategic road capacity; and
- to identify mitigation measures in relation to any identified environmental issues.

This is a very helpful modification, which also addresses some of the issues raised in other representations. Subject to minor editing, the plan should be modified accordingly.

General designations (228)

5. This representation seeks reassurance about the future development of the area. In response to a request for further information the Council has confirmed that the Inverness local plan allocations for the Inshes-Raigmore area will be superseded by the proposed plan. The development framework will replace this, and the guiding principles set out above will guide its preparation. This will provide the delineation and clarification sought by the representor. It also provides for a consensus with the community and stakeholders in the area, and recognises the importance of the Inshes district centre. Given the acceptance of the guiding principles, no further modification is required.

Private land development (231)

6. The representors' position is noted. As well as the forthcoming preparation of the Inner Moray Firth local development plan there will also be an opportunity to contribute to preparation of the development framework for the area.

Inshes roundabout (240)

7. The Council has explained the relationship between development of the Inshes roundabout and the Beechwood campus (see Issue 10). This is being dealt with in terms of a financial contribution through a Section 75 obligation (formerly agreement) tied into a planning permission

already agreed by the Council. This is a level of detail that is inappropriate for the general strategic level of the proposed plan, and could no doubt be addressed through the development framework. No modification is required.

Flood risk (326)

8. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 7.

9. That said the Council recognises the potential for flooding in relation to the Dell Burn. This would be dealt with through Policy 65, and is taken account of in the guiding principles for the development framework. No further modification is needed.

Health care (411)

10. This representation seeks simply to keep options open for the Raigmore hospital campus. There is nothing in the proposed plan to prevent this, and the proposed development framework provides for a consensus with stakeholders. Any review of the campus that proposes changes should be coordinated through the framework and the forthcoming Inner Moray Firth local development plan. No modification is needed.

Land south of Inshes district centre (479)

11. The Council refers to the relatively complex planning history of this area, including an appeal decision in 2005 when a proposal to develop part of the area for a supermarket was dismissed. I note that a subsequent refusal by the Council of a similar application has not been appealed. From my site inspection I can understand the logic of suggesting the area be included within the Inshes-Raigmore designation, insofar as it could be seen as rounding off that part of the site.

12. That said I find nothing in the representation that persuades me the type of development proposed would not be addressed better through the forthcoming Inner Moray Firth local development plan. The main issues report for that would provide a full opportunity for an assessment of the site, and I am not persuaded there is any need to modify the proposed plan.

Inshes district centre land use allocation (520)

13. The Highland-wide Local Development Plan is effectively a strategic document that provides a broad framework for development across the whole of the Highlands. As such it is a characteristic of the plan that the majority of the specific land use allocations are for mixed uses. This establishes the principle of development whilst leaving details to further development frameworks and/or the forthcoming area plans, in this case the Inner Moray Firth local development plan.

14. Against this background I see that the principles for the development framework set out above recognise the importance of the Inshes district centre and provide for its potential expansion. The mixed use designation simply recognises that the park is part of a wider area of mixed uses, and I believe it would be wrong to impose any further restriction of uses pending the forthcoming development framework and area local development plan. No modification is therefore necessary.

Reporter’s recommendations:

I recommend the following modification:

1. Delete policy 7 and substitute with:

The Council will produce a development framework for the Inshes and Raigmore area (as identified on Map 4), which will be brought forward as supplementary guidance. The guiding principles for such guidance will be:

- to promote, co-ordinate and best utilise improvements to strategic road capacity;
- to build consensus with the community and stakeholders;
- to achieve no net detriment to the existing surface water drainage regime and attendant flood

risk;

- the reconfiguration of the Raigmore Medical Campus to allow better public transport and active travel connectivity and to assess the potential for additional primary care facilities in place of staff accommodation;
- the southern expansion of the Police Headquarters;
- the reconfiguration and potential expansion of Inshes Retail Park provided that expansion helps deliver improvements in strategic road capacity; and
- provision for mitigation measures in relation to any identified environmental issues.

Issue 8	Ness-side and Charleston	
Development plan reference:	Policy 8 (para. 9.21-9.23, pages 32-33)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Halliday Fraser Munro for Tulloch Homes (57) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326) Graham & Sibbald for Burt Boulton Holdings Ltd (BBH) (377) Nick Wright Planning for Robertson Homes (Robertson) (402) G H Johnston for Cardrona Charitable Trust (CCT) (477) Tesco Stores Limited (520)		
Provision of the development plan to which the issue relates:	Ness-side and Charleston Expansion Areas	
Planning authority's summary of the representation(s):		
<p><u>Tulloch (57)</u> Believe that the Plan should support the short / medium term development of their client's landholding at Ness-side. In particular, the development of the land should not be dependent upon the construction of (a) new river and canal crossing(s). The following reasons are given:</p> <ul style="list-style-type: none"> • Ness-side is a sustainable location (close to existing infrastructure, facilities and employment) which would fit with the Plan's Vision of consolidating the City; • Ness-side is more deliverable (effective) than other allocations within the Plan; • There will be a housing land shortfall relative to the Plan's target in the period up to 2016 because of current housing market conditions and constraints on other sites; • The land already benefits from an adopted local plan allocation and approved development brief; • If land is to be delivered in current market conditions then the Council should be pragmatic and relax onerous infrastructure requirements; • The timing, design and funding of a resolution of the river/canal crossing(s) issue is unclear and developers should not be held back; • The river/canal crossing(s) is/are undeliverable in the foreseeable future; • Scottish Government desires to increase housebuilding; • Will assist by safeguarding route(s) for future river/canal crossing(s); • Development of the site will provide jobs, people and facilities; • Will safeguard and enhance a significant area "as part of the green network". <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> • Suggests it may be necessary to undertake a screening for Habitats Regulations Appraisal of the river crossing component of the West Link. • Requests addition of badger survey and protection plan reference to supporting text for both allocations. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to both Ness-side and Charleston allocations unless a developer requirement is added to include a pre-determination flood risk assessment. • Also requests that the policy should require that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed. • The reasons are that the allocation land at Ness-side is affected by fluvial flood risk and the Charleston allocation may be affected by pluvial/small watercourse flood risk. 		

BBH (377)

- Questions the Council's ability to deliver its own aspiration of providing enough effective housing land to meet its high migration scenario population growth.
- Disputes that the Council has done all it could to activate the Ness-side allocation.
- Believes the Council should take a lead in releasing the land by setting it as a high priority and by establishing a firm timetable for implementation of the river/canal crossing(s).
- Believes it is unreasonable to constrain their client's landholding by making its development dependent upon the actions of others.
- The site will not be deliverable by 2016.

Robertson (402)

- Suggests amended allocation and masterplan for client's landholding at Westercraigs including increasing the housing capacity to 1,000 units and extending the boundary higher up the slope north west of the old hospital buildings (to the limit of Robertson's existing planning permission). Gives the following justification.
- The 125m contour limit is arbitrary, not related to landscape capacity/impact and unfair in resisting pressure to extend to the ridgeline;
- A larger allocation would better fit the Plan's Vision and Strategy of economic diversification, sustainable communities, community involvement;
- The development would pursue environmentally sustainable construction and design (give example of Robertson's construction of adjacent SNH building), incorporate renewable energy generation, and provide community access and management, better landscape fit, and community benefit;
- The site is deliverable - Robertson are on site now and the land is already serviced;
- It will help meet Council's short term target to consolidate the City and is closer to the city centre than A96 alternatives;
- Robertson's transport assessment concludes there will be spare roads capacity for 1,000 units across Charleston/Westercraigs given recent junction and public transport improvements and with some minor road improvements being made to other existing junctions;
- Accept that Robertson's proposed phasing is unlikely to be hindered by waiting for opening of West Link and content to contribute to West Link on a per house basis;
- However, if West Link is not opened as scheduled within the 2016-2021 period then believes client should be permitted to develop beyond current 420 limit without restriction; Also disputes need for full local distributor road standard (6m carriageway) for driveway connection to A82 because of required loss of woodland and other heritage impacts.

CCT (477)

Believes that mainstream (private and affordable housing aimed at the local housing market rather than tourism or social care related accommodation) residential use should be permissible within client's landholding at Milton of Ness-side because:

- The land is within the adopted local plan allocation for a residential expansion area;
- The specific adopted local plan wording does not preclude mainstream housing use;
- Para. 9.21.1 refers to "release of housing land ... at Ness-side";
- Milton of Ness-side and its appropriate mix of uses should be left to be determined at the local level through the review of the Inner Moray Firth Local Development Plan;
- Understands that non residential uses may be developed at Milton of Ness-side prior to West Link subject to no significant traffic or other infrastructure impacts;
- Unreasonable to delay determination of planning application(s) at Milton of Ness-side when Council takes so long to develop supplementary guidance and its resources are limited.

Tesco (520)

- Objects to Policy 8 and mapping as it conflicts with its extant permission for a district centre at Ness-side, with the adopted local plan allocation for a similar use over a similar area of land and with the approved development brief reference to a district centre at this location. Map 5's reference to residential is at odds with this permission, adopted plan allocation and brief reference. Announces intention to commence development early in 2011.

Modifications sought by those submitting representations:

- Re-wording of Policy 8 and supporting text to remove river and canal crossing dependency from Ness-side allocation (57).
- Para 9.21.1 should be augmented to include “In preparing masterplans these should be informed for both parcels of land by a badger survey and protection plan (118).
- Policy 8 should include a developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy (326).
- Re-wording of Plan to establish a higher priority for West Link’s implementation to ensure that Ness-side is deliverable by 2016 (assumed) (377).
- Map 5 Charleston allocation should be extended to include Westercraigs area with extant permission to Robertson. Policy 8 should be revised to reference support for a masterplan which would embody the capacity, uses, access arrangements and locations indicated in Robertson’s submission. Supporting text should clarify that 420 units can be developed prior to any river/canal crossing(s) as per the extant permission (402).
- Plan wording and mapping should support a mix of uses at Milton of Ness-side including mainstream housing. Milton of Ness-side and Ness-side should be treated as part of the same expansion area (477).
- Plan text and mapping to reaffirm Tesco landholding for district centre uses as per extant permission not as residential (520).

Summary of responses (including reasons) by planning authority:Map 5 (Ness-side)

- The Council accepts that Map 5 (specifically its legend and annotations) is erroneous. The Council's intention (as stated in Policy 8 and its supporting text) is simply to roll forward the existing local plan's (the Inverness Local Plan: Adopted 2006) (largely page 37 and City Inset Map) provisions for the area but to highlight the intention to prepare supplementary guidance in the form of masterplans prepared in partnership with the community, landowners and developers. The Council has no intention to undermine the extant planning permission for the district centre. In any event that development will have commenced prior to the Examination. The Council agrees that the detail of uses and layout within the allocation should be for the masterplan(s) and now commenced Inner Moray Firth Local Development Plan to determine. Pending the development of this detail, any planning applications should be regarded as premature or if necessary determined in relation to the provisions of the approved development plan.

Natural Heritage

- The Council accepts that the bridge works associated with the river crossing component of West Link may have an impact on natural heritage interests. However, there is no definitive design for the bridge crossing, and no definitive crossing point. One option is to avoid any bridge piers within the watercourse. Any future bridge proposal will be subject to its own environmental assessment procedures which would better assess and if necessary mitigate adverse effects on salmon and other natural heritage interests from a particular bridge design and location. In any event, the existing high weir at Ness-side is likely to provide a more formidable obstacle to upstream swimming salmon than bridge piers.
- Badger interests are not given a specific reference in Policy 8 because the policy is only intended to be a roll forward of the provisions of the adopted local plan and a referencing of the Council’s intention to produce masterplans. If badger interests were given a specific reference then every other developer requirement would merit such a reference. The Council believes that the detail of uses, layout and developer requirements for these areas should be for the masterplans and now commenced Inner Moray Firth Local Development Plan to determine. In the unlikely event that applications are determined prior to such detailed guidance then the Plan’s general policy 59 provides adequate policy coverage in requiring badger survey and mitigation of any adverse effects on the animal and its setts. Moreover, the Council has also

approved very detailed non-statutory supplementary guidance in the form of a Badger Policy Guidance Note for the Inverness area and agreed best practice guidance on this issue with SNH.

River/Canal Crossing (West Link) Dependency

- In the period up to 2016, the Council has earmarked £16.5M in its capital programme (Item 13(b)) for West Link. An assumption has been made that an additional £5M will be generated from developer contributions from the development of allocated land. The Council believes that this total of £21.5M is sufficient to fund a low level bridge crossing of the River Ness and a low, additional, opening bridge crossing of the Caledonian Canal plus connecting roads.
- A confirmed cost will depend largely upon further engineering assessment of ground condition suitability for bridge construction, the need for and financial amount of compulsory land acquisition, and the width and design of the link. The Council is undertaking this detailed feasibility at present.
- The Council would assert that it has made reasonable efforts to progress this road link. £21.5M is very likely to be sufficient to cross the river and connect to the A82 at Queens Park even if further feasibility work reveals hidden costs. Ness-side and Milton of Ness-side are only dependent upon crossing the river not also crossing the canal. Therefore the Council is only intending to “delay” development at Milton of Ness-side and Ness-side until 2016. Indeed the Council has discussed with developers the possibility of allowing construction to start earlier with only occupation “delayed” until 2016. Within Ness-side, it would be sensible for bridge approach road and other development construction to proceed in parallel. With the current, stagnant housing market, the programmed reduction in Scottish Government funding for affordable housing provision and the lead in time for large development projects the “delay” in determination of any future planning application(s) becomes even less significant.
- The Council agrees that Ness-side is a suitable and sustainable location for development but there are sufficient other, less constrained housing sites that are available to deliver the Plan’s approximate 2,000 unit housing requirement target for the City of Inverness over the period 2011 to 2016. These sites are allocated in the adopted local plan and/or have planning permission and are not subject to strategic road improvements. Developers are already on site on most of these expansion areas. The Council’s Housing Land Audit document contains full details. Many development sites can only be activated with third party co-operation and in the current market, partnership working and sharing of infrastructure costs is likely to become common.
- Given there is no over-riding imperative to find more housing land then there is no case for an exceptional relaxation of the West Link dependency. The level of developer contributions sought will be proportionate to the impact of the development but the Council also accepts that they should not be set at so high a level that they inhibit the development of the allocated land. The Council is not seeking to impose an unreasonable level of contributions merely asking that development awaits programmed investment in strategic road infrastructure. Without this investment, the Council believes that the development of Ness-side and Milton of Ness-side will result in an unacceptable increase in radial (principally Dores Road/Island Bank Road/Haugh Road/Castle Road) and city centre congestion.
- The Council is reviewing Robertson’s updated transport assessment for Westercraigs/Charleston but has yet to make a decision on whether the impact of this development and others west of the canal will lead to unacceptable canal queuing and emergency vehicle response times. Traffic models can predict whether junction and link design capacities are exceeded or not but the acceptability of queuing and emergency vehicle response times is more of a policy and political issue than a technical one. In the absence of a pressing, current need to find effective housing land the Council sees no reason to amend the current 420 unit limit.

Flood Risk

- As with the badger issue above, specific developer requirements are not appropriate to an allocation that merely rolls forward the provisions of the approved development plan. The only substantive changes are to announce the concept of masterplans so that these can be future statutory supplementary guidance hooked on a policy in an approved local development plan and more detail on the proposed phasing of City vis-à-vis A96 allocations.

- The Plan's general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. When SEPA have information to predict and map similar risk areas for small watercourses and pluvial issues then these too would trigger the application of Policy 65 and its flood risk assessment requirement. The Council accepts that the Ness-side allocation falls partly within the 1 in 200 year fluvial risk area for the River Ness.

Charleston

- As with Ness-side above, the Council sees no pressing justification for reviewing the detail of the Charleston/Westercaigs allocation at this time particularly through a strategic document such as the Highland wide Local Development Plan. Robertson Homes have an extant permission for a total of 550 residential units at Westercraigs of which only 60 were complete by end of 2010. Both the Westercraigs and wider Charleston land also benefit from adopted local plan (various pages and City Inset Map) allocations. Taken together these adopted local plan allocations cover the allocation boundary suggested by Robertson and could be viewed as supporting a capacity of around 1,000 residential units (albeit over half are West Link dependent including the canal crossing). There are other less constrained alternative housing sites that can meet short term housing requirements. The review of the now commenced Inner Moray Firth Local Development Plan and the production of a Charleston masterplan would be more appropriate policy avenues to assess the suitability of the detailed layouts produced by Robertson.
- The Council makes no comment on the merits or otherwise on the specifics of the submitted layouts other than to say that the adopted local plan action area policy (page 33 and City Inset Map) already supports mixed use development at Westercraigs within a widely drawn boundary and without being overly prescriptive about siting, design and landscape capacity.
- The Council is discussing a relaxation of full local distributor road standard with Robertson for the connection between Westercraigs and the A82 in order to reflect natural heritage constraints (woodland loss and potential adverse impact on the SSSI) but this level of detail would more appropriately be considered through amendment to the existing permission conditions/related road construction consent.

Milton of Ness-side

- The adopted local plan (largely page 37 and City Inset Map) and approved Ness Development Brief allocates land at Milton of Ness-side for a range of uses - tourism, tourist accommodation, retirement accommodation, community, leisure and social. However, this extant, approved policy does not support mainstream, open market housing at this location. The rationale for such an exclusion is based on the pedestrian severance that the site suffers from. It is not well connected and cannot be well connected to adjoining land in terms of pedestrian access. It is on the periphery of the City, its western margin is the River Ness, its eastern margin the Dores radial distributor road and its northern margin is the Holm Burn. Therefore, providing a safe or safer route to school is problematic. As is providing a safe route to the consented district centre at Ness-side. As such, the site would best suit more self contained uses independent of the wider neighbourhood and urban district. As explained above, there is no shortfall of effective housing land within Inverness City.
- Given the above, support for mainstream residential uses would not be appropriate for Milton of Ness-side. However, the commended change below would defer the review of this position for the masterplan and/or Inner Moray Firth Local Development Plan. This may be a suitable compromise meantime.

Any further plan changes commended by the planning authority:

The Council suggests that the simplest way for the Reporter to remedy the Council's mapping error would be to retain the Ness-side allocation boundary on Map 5 but change the notation to mixed use and to delete residential from the legend.

Reporter's conclusions:*Specific sites (57, 377, 402 and 477)*

1. These representations relate to specific sites within the overall designated area of Ness-side and Charleston. The arguments put forward in each case are broadly similar, in that each seeks to promote the representor's interests in developing their respective sites. Against this the Council suggests that with a capacity approaching 500 units at Charleston already benefiting from planning permission, and the availability of other land that is less constrained (no need for a river/canal crossing), the short term housing requirement can be met. No evidence has been produced to persuade me otherwise.

2. In these circumstances, given the start of preparation of the Inner Moray Firth Local Development Plan, and the proposed development framework, which will consider these areas in detail, I do not consider there is any need to provide further detail under Policy 8.

The development framework

3. The Council is proposing that the development framework for the two areas will be brought forward as supplementary guidance. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

4. In response to a further information request the Council has provided additional wording to set out the principles on which the guidance will be founded. It has also proposed a modification to the policy text, taking into account that the existing land allocations for Ness-side and Charleston in the Inverness Local Plan will be deleted, being replaced by the Highland-wide plan allocations when adopted.

5. The combined proposed text for the policy and supplementary guidance is:

Policy 8 "The Council will produce a development framework for land at Ness-side and Charleston (as identified on Map 5), which will be brought forward as Supplementary Guidance. The guiding principles for such guidance will be:

- to provide a land use context for the current assessment of transport solutions for this part of the City;
- to determine the best mix, arrangement, design and servicing of future land uses compatible with whichever alignment and type of river and canal crossings are confirmed;
- to include within this mix:
 - retention and completion of the district retail and community centre at Dores Road;
 - retention and expansion of the district employment centre at Holm Mills;
 - retention and enhancement of a riverside green corridor at Ness-side including that land within the confirmed flood plain;
 - a distributor road connection between Leachkin and General Booth Roads at Charleston; and
 - completion of residential neighbourhoods at Ness-side and Charleston."

6. In my view these proposed principles are comprehensive, taking into account putting into context the assessed transport solutions for this part of the city, the need to retain and enhance the riverside green corridor, including the confirmed flood plain, and the retention of existing and already proposed land uses. The framework will provide for a comprehensive plan for the area, allowing full consideration of the relevant issues, rather than taking forward land on an ad hoc basis at a time when the new area local plan is under consideration. I consider the plan should be modified as proposed by the Council, but subject to my conclusions in paragraphs 9 to 13 below.

The proposed river/canal crossing

7. I have referred above to the adequacy of short term housing land availability, without any dependency on a new bridge crossing. Although the Council is criticised for not doing all it can to activate Ness-side allocations (377), it gives a straight forward explanation of the steps taken to put funding in place for the new crossings, subject to various caveats set out by the Council above. In the absence of persuasive evidence to the contrary, I accept its opinion that there is no case for an

exceptional relaxation of the West Link dependency.

8. Also the proposed development framework, taken with the new Inner Moray Firth Local Development Plan, will include a provision for any necessary transport links and provide for the planning of the area in a comprehensive manner. I see no further need for modifications in this respect.

Natural heritage (118)

9. The Habitats Regulations Appraisal recognises that the proposed construction of the river and canal crossing over the River Ness downstream of the River Moriston SAC may result in the loss of habitats and species due to pollution and disturbance during construction and operation of the crossing.

10. The appraisal proposes mitigation by amending the first sentence of the policy to read:

The Council will support the master planning of land allocated at Ness-side and Charleston in tandem with the work carried out to identify options for the river and canal crossings that do not adversely affect the integrity of the River Moriston SAC.

11. Also additional text should be added to paragraph 9.21.1 to explain that the link to the SAC is because salmon use the River Ness to gain access to the River Moriston, as follows:

As part of the environmental considerations of this project, the passage along the river to and from the River Moriston Special Area of Conservation must be safeguarded.

12. It considers the revised wording would ensure that the SAC is offered the appropriate level of protection within the proposed master plan with regard to the as yet undefined river and canal crossing. If this is done there would be no residual adverse effect on the integrity of the European site.

13. I accept that this will resolve any potential conflicts between development and the designated European site, and that the plan should therefore be modified as proposed. In addition reference should be made to the SAC within the guiding principles for the supplementary guidance.

14. Policy 59 deals with protected species and sets out clearly the circumstances in relation to these where development can be permitted. It makes specific reference to badgers and badger sets. It is an overarching policy that all development proposals must meet. There is no need for any further reference under Policy 8.

Flood risk (326)

15. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a Flood Risk Assessment where appropriate. This is an overarching policy that will guide all development. I note also that the confirmed flood plain is to be incorporated into the riverside green corridor under the terms of the development framework principles. I find no need for a specific reference to flooding under Policy 8.

Milton of Ness-side (477)

16. The Council has explained why this specific area of land at the northern end of the Ness-side allocation is unsuitable for mainstream housing use. I see no reason to disagree with this. However, as the Council points out, there is an opportunity for this to be re-assessed, with a possible compromise solution, when the development framework and Inner Moray Firth Local Development Plan are being prepared. I do not therefore see any need for a modification to the Highland-wide plan because of this.

Map 5

17. In the proposed plan Ness-side is designated as wholly residential, despite planning

permission having already been granted for a district centre (520), and the presence of other land uses. The Council accepts that as it stands the map is erroneous, and modifying the designation to mixed uses, in line with other similar allocations in the plan, will resolve this. This is a soundly based modification.

Reporter's recommendations:

I recommend the following modifications:

1. Delete the present Policy 8 and substitute:

The Council will support the master planning of land allocated at Ness-side and Charleston in tandem with the work carried out to identify options for the river and canal crossings that do not adversely affect the integrity of the River Moriston SAC. The Council will produce a development framework for land at Ness-side and Charleston (as identified on Map 5), which will be brought forward as supplementary guidance. The guiding principles for such guidance will be:

- to provide a land use context for the current assessment of transport solutions for this part of the City, taking into account the need to protect the River Moriston SAC;
- to determine the best mix, arrangement, design and servicing of future land uses compatible with whichever alignment and type of river and canal crossings are confirmed;
- to include within this mix:
 - retention and completion of the district retail and community centre at Dores Road;
 - retention and expansion of the district employment centre at Holm Mills;
 - retention and enhancement of a riverside green corridor at Ness-side including land within the confirmed flood plain;
 - a distributor road connection between Leachkin and General Booth Roads at Charleston; and
 - completion of residential neighbourhoods at Ness-side and Charleston.

2. On map 5, for Ness-side delete the present "Residential" designation and replace with "Mixed Use Allocation".

Issue 9	A96 Corridor – Phasing and Infrastructure	
Development plan reference:	Policy 9 (Para 10.7, Page 35)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Joan Noble (67) Paul Jenkins (74) Alastair Noble (76) Nairn Suburban Community Council (94) Nairn West Community Council (101) Scottish Natural Heritage (118) Mrs E Holland (153) Highlands and Islands Green Party (HIGP) (168) Mrs Annie Stewart (172) Valerie Springett (179) Scottish Council for Development and Industry (SCDI) (180) Turnberry Consulting IABP (191) CB Richard Ellis for Grosvenor Eastgate Unit Trust (193) D and J Piggott (208) Nairn Residents Concern Group (NRCCG) (209) Croy Community Council (218)</p>	<p>Floris Greenlaw (222) Turnberry Consulting Ltd for Highlands and Islands Enterprise (HIE) (240) Turley Associates for Sainsbury’s Supermarket’s Ltd (267) C Stafford (272) Scottish Wildlife Trust (285) Scottish Property Federation (291) Homes for Scotland (293) Bowls for Hector Munro (307) EMAC for Barratt, Robertson and Scotia Homes (333) Lance Hill (343) Moray Council (403) Ardersier and Petty Community Council (431) Cromarty and District Community Council (443) Scottish Association for Public Transport (446) M Gilvray (453) GH Johnston Ltd for the Trustees of Cawdor Discretionary Trust (465) Helen Jenkins (527)</p>	
Provision of the development plan to which the issue relates:	A96 Corridor - Phasing and Infrastructure	
Planning authority’s summary of the representation(s):		
<p><u>Principle of Development</u></p> <ul style="list-style-type: none"> ▪ Oppose the development of Inverness and the A96 corridor. Question the role of this area as "an engine for the wider Highland economy". (18) ▪ No alternative is given to the high growth scenario. (453) ▪ No explanation is given as to how this accords with Policy 35 (Settlement Development Areas). (453) ▪ It is difficult to relate the proposed expansion areas to the Green Network SG. It is difficult to see how outlying expanded settlements of Croy, Cawdor, Ardersier will not contribute to the car economy. (453) ▪ The A96 Corridor Development Framework should not be a basis for this Plan question the assumption the majority of Inverness’s growth should be along this corridor due to the need for transport and other infrastructure to develop here at the same rate before yet more housing. (172) ▪ Proposals threaten an area important for agricultural production and attractive to tourism. (172) ▪ Concern that the Council’s support for the A96 corridor is at the expense of much needed infrastructure and general investment in other areas including Muir of Ord/Beauly/Kiltarlity. There is hardly a mention of these areas. (222) ▪ This focus of development of the A96 corridor between Inverness and Nairn, to seek substantial growth in one section of the inner Moray Firth, will further concentrate resources at the expense of the north and west. (443) ▪ There is considerable local opposition and self-evident and major infrastructure limitations. 		

There are other areas near to Inverness that are equally ripe for development, such as the land North of the Beaully Firth, and out toward Invergordon. (527, 74)

- The corridor policy ignores the needs of remote communities across the Highlands. It is widely recognised (*except in the HWLDP*) that organic development of existing communities can be accommodated affordably in infrastructure terms, and helps enormously to support the provision of local services.
- Documentary evidence of the proceedings of off-site meetings held with these developers in the period leading up to the production of the A96 Corridor proposals should be a matter to be considered at the Inquiry. (527, 74)
- Support the vision of the council for the A96 however should be noted that private finance is incredibly difficult to arrange in the new economic paradigm we are in. (291)
- In relation to para. 10.7.1 SWT agree with THC that each site in the A96 corridor should be defined in a high quality masterplan, with community engagement from the outset to deliver the best output for the area and community. (285)
- THC planners response to comments about excessive population estimates have reduced the scale of housing developments proposed in the A96 framework. In the case of Nairn this has reduced the numbers are still excessive. Landowners and developers to the West of Nairn somehow managed to get 4000 houses on their land added to the framework although no other consultees had supported developing this area to any extent. (67)
- SCDI strongly supports the Highland Campus development. This will generate economic and population benefits for the whole of the region, supporting a skilled workforce and making the Highlands a desirable home for global talent, attracting more inward investment, and growing innovative and internationalising businesses. (180)
- SCDI welcomes support in the *Proposed Plan* for the development of Tornagrain as “an essential component of the settlement strategy”. Accommodating growth in the next 30 to 50 years will be essential if the Inverness city-region is to be an attractive location in which to live and work, and for investment in key priority 21st century business sectors. SCDI believes that Tornagrain can be a leading model for a sustainable community. Roads Infrastructure.
- No additional housing should be permitted within the A96 corridor until provision of appropriate access to the A9 to deal with the increased traffic flows. (343)
- Concerns over no immediate investment from Scottish Transport towards A96 improvements and consequent impact of traffic on B9090/B9006 route from proposed growth of smaller settlements. (208)
- Priority should be to secure upgrade to A96 and Nairn by-pass to avoid unacceptable traffic congestion on entire road system. (94)
- Infrastructure (including roads and water and sewerage) should be in place before further development on a big scale. (76, 179, 208)
- There must be a Nairn By pass before further development. (76, 179)
- Also wider question over basic infrastructure and developer contributions towards this. (208)
- Development at Tornagrain, Whiteness and West Nairn will lead to a huge increase in commuting, with not the remotest chance that thousands of local jobs will suddenly be produced for these settlements. (67)
- Delnies is too far from central Nairn for walking to school or town, and cycling is perilous. (67)
- Preferred option (for A96 corridor transport) concentrates solely on road development and should include rail. (446)
- Proposals for development of A96 corridor concentrate solely on road while omitting reference to Inverness-Nairn Railway, proposed Park & Ride at Dalcross. This was written in response to question 2 of Main Issues Report rather than the Proposed Plan but was submitted as a representation to the proposed plan. (446)

Infrastructure

- Water supply, waste disposal and transport, development of this scale will require the provision of a new water source this is likely to require to be pumped and consequently increase carbon emissions. New waste disposal infrastructure will need to be put in place and this currently appears to be happening on a piecemeal basis. The necessary improvements to the A9, A96 and A82 will not take place until after 2016 at the earliest, unsuitable minor roads are being utilised as a consequence e.g. B9006. (153)
- There is no infrastructure capacity to support the proposed developments in the A96 corridor.

There is on the outskirts of Inverness, at all points of the compass, and there are numerous applications from developers for new housing estates on the fringes of the city. Why then is the A96 concept needed? (527, 74)

- Any substantial new developments should not have any adverse impact on the existing services in the settlement by provision of new services for a new development. (431)
- The ability of the development industry to fund large amounts of infrastructure through developer contributions has greatly diminished. Alternative methods should be considered – such as tax increment financing. (291)
- Planning permission for these settlements should not be approved until finance is committed for this transport (Inshes roundabout) or in fact the upgrading of the A96 to accommodate the extra traffic. (218)
- Much of the MIR places an emphasis on sustainability, how can putting so many more cars on the road be sustainable? (218)
- What is the order of priorities given to major transport proposals for the area, in particular the A96, the Nairn bypass, the Inches roundabout, the roads accessing the proposed UHI, the Canal crossing, the Southern Distributor Road etc. What intention is there to upgrade the rail connections from Inverness to Aberdeen?
- We see no need at all for the ITLR (eastern end), and provision for which should be deleted from the Plan. (168)

Phasing

- The proposed phasing will ensure major infrastructure is in place at the right time. This will be of little use of the infrastructure and links to the city are not in place at an early stage. (193)
- Supports approach to phasing and infrastructure delivery in policy 9. However concerned with the approach being taken to later phases of development within the A96 Corridor as set out at paragraph 10.6 (240).
- Wish to comment further as and when more detail becomes available, however any contribution must be fair and reasonable related to the development proposed. (240)
- Do not agree that sites identified in the current Local Plan for Inverness should be given priority before any major expansion, suggest that unconstrained sites (whether in the A96 Corridor or within the existing Local Plan for Inverness) should be prioritised. (307)
- Welcome support for early phases before major infrastructure is completed, however it's also important that any early phases do not restrict the ability for infrastructure to be constructed and land should be safeguarded for this purpose. (307)
- It is not appropriate (para. 10.6, policy 9) [GHJ 1] for it to “resist development” outwith the timescale of this LDP nor to take that view without evidence or monitoring of decisions and progress in the interim nor to do so without a declared mechanism for administering or implementing developer contributions or a clear view about infrastructure programmes. (465)
- It is inappropriate for the Council to predetermine the outcome of a revised A96 Developer Contributions Protocol and its implications for Cawdor without evidence and due consideration of a proposal; and in the knowledge that its proposed Supplementary (465)
- Guidance will be the subject of consultation.
- Homes for Scotland are supportive of the strategy behind the A96 Corridor but feel that infrastructure costs are likely to delay the delivery of new development in this location. (293)
- The Nairn South consortium considers that it would be preferable if the time period ‘(2011-2016)’ were removed to assist in the flexibility in the deliverability of housing land. (333)

Support infrastructure

- The increase in the ageing population requires additional social and medical services. (153)
- There is no indication that the general infrastructure of the region (medical, education, social work, police, elderly care etc) is going to keep pace with the quantity of the housebuilding proposed. This should be addressed before the plan progresses further. (218)
- Secondary school – the present school capacity of Millburn, IRA, Culloden and Nairn, are they sufficient to cope with this expansion of the above settlements?

Supplementary Guidance

- Note that the Supplementary Guidance on the A96 has been delayed and it is far from ideal to be considering a general policy without the accompanying detail, it is critical that this information

is provided and the key elements of this is incorporated within Local Development Plan policy. (293)

- A96 Corridor Developer Contributions Supplementary Guidance must ensure contributions are related to the proposed development. The timing or phasing of valid contributions must be considered to ensure development remains economically viable. Appropriate consultation must take place. (267)

Moray Council

- The establishment of full University status for UHI and A96 infrastructure improvements are important to the sustainable growth of Moray, and therefore these proposals are supported.
- A more cautious approach is taken to the expansion of the Retail Park, given this could encourage further leakage from the Moray area, particularly if the requirement for bulky goods is not adhered to.
- This level of development will require significant infrastructure improvements which include a proposed A96 bypass to the south of Nairn, and a rail connection to Inverness airport. The latter should be shown in the Finalised Highland-wide Local Development Plan as a freight and passenger rail halt as the accessibility of the airport and the proposed business growth is important to the wider economy of the Highlands and Moray.
- Improvements to the A96 trunk road and the aforementioned business growth at Inverness airport are beneficial to the economy of Moray and are therefore supported on the basis of appropriate phasing. (403)

SNH

- This policy should be subject to Habitats Regulations Appraisal taking into consideration the in combination effects of development proposals in the A96 Corridor. (118)

Turnberry Consulting for Inverness Airport Business Park Ltd (IABP) (191)

- It is important to state at the outset that IABP Ltd. welcomes the positive references facilitating increased national and international trade (7.2.1).
- Support for IABP as a strategic growth area (8.4), synergies with Tornagrain (12.2).
- Given the scale of IABP and its strategic importance to the A96 Corridor and to the City region as a whole, we would have expected Policy 42 to make express reference to the planning authority's continued allocation long-term commitment to IABP.
- The inclusion of an allocation at Stratton within the Proposed Plan, without an equivalent treatment of IABP, appears inconsistent.
- IABP object to the Proposed Plan, finding it to be inappropriate and insufficient of content in relation to the IABP development proposal.

EMAC for Barratt, Robertson and Scotia (333)

The Nairn South consortium supports the principle of developer contributions to the A96 corridor and masterplanning for larger mixed use sites demonstrating how the required developer funded infrastructure can be delivered.

- Seek further clarity on the requirements and also to acknowledge that there will be flexibility on the request for developer requirements to take account of deliverability of housing land in this economic climate.
- The proposed Developer Contribution Supplementary Guidance are relevant to Policy 9 and that this should form part of the Local Development Plan (LDP). As a minimum its publication should be brought forward at the earliest opportunity to allow consultation and further clarity on its implications in terms of Policy 9.
- The preference is that this draft SG should form part of the LDP in order to allow formal consultation at a stage where it can be considered at Examination together with Policy 9.

Employment/Industry/Sustainability

Object to the principles of large scale development in the A96 corridor and wider area;

- The Plan does not evidence the 5000 jobs purported in the MIR, which we assume were predicated on the same projections which aspire a Highland population of 500,000.

- Construction work associated with house building does not provide long-term employment. Sustainable long-term employment is inextricably linked to population growth and economic success. There are no indications expressed that any major companies, in the present economic climate, have been attracted to or will relocate to Nairn or the A96 corridor.
- The approval of planning permission for housing development puts the 'cart before the horse' i.e. build the houses and people will come. It was this type of inverted thinking process that led to global recession. The residents of Nairn and the Highlands expect that lessons should be learned and not repeated. The NRCG consider:
 - Had THC/HIE identified or encouraged major wealth creating Companies (not principally Service-led businesses) to the A96 Corridor, then modest and sustainable growth along the A96 Corridor could have been achievable.
 - That without guaranteed employment, mortgages cannot be obtained, therefore any houses built will remain unsold or vacant.
 - The PP needs to recognise, as does the majority of people in Nairn and the wider Highlands, that Tourism is the prime economic driver for this area and adapt its direction and aspirations accordingly. (209)

Assume there is not going to be employment in these communities for all the people who are going to live in them, hence a need to travel. The B9006 would be one of their main routes and apart from the fact that the road is notorious for accidents, it leads to the Inshes Roundabout which is already a major problem. (218)

C Stafford (272)

The HwLDP should, but does not include an IABP policy statement nor a phasing strategy for the Inverness Airport Business Park in the HwLDP. A policy statement for the economic initiative at Inverness Airport Business Park should be included with details of the phasing to 2021. It should note somewhere in the policy that;

- Within Phase 1, after the occupation of 36,044 square metres gross floorspace, improvement of the Mid Coul Roundabout on the A96(T) road, improvement of 3 short sections of the B9039 and funding for enhancement of public transport services.
- include the potential employment outcomes (based on figures – revised downwards to account for poorer economic conditions - submitted as part of the planning application by the applicant that the development holds for the Highland economy (Planning, Environment and Development Committee, 26 September 2007).
- that the content of the final A96 Corridor Framework be issued as interim guidance with the Inverness Airport Business Park project recognised as an element of this framework, pending that the finalised Framework be fed into the preparation of the Highland-wide Local Development Plan.
- Contrary to advice given at paragraph 16 of SPP, "Investment in infrastructure may be required as a consequence of existing under provision and/or planned growth. These issues should be addressed in development plans and not left to be resolved through the development management process." phasing strategies for long term development (2021 to 2031) in numerous HwLDP policies are being supported with transport issues left unresolved in the HwLDP for this period.
- References to phases of development post 2021 should be removed from Policies 10, 12, 13, 20, 21, 22, 23 and from table 14.4 Nairn unless transport delivery mechanisms to support the planned growth from 2021 to 2031 can be clearly demonstrated for that Policy in order to comply with SPP guidance.
- Take issue with and object to the fact that section 10.4, "This approach to the development of the A96 Corridor has been informed by a transport study of Inverness and the A96 Corridor, which was prepared in partnership with Transport Scotland. This background report sets out the key transport improvements which must be delivered in order to support the A96 Corridor developments" omits to mention the key role of the rail halt at Dalcross in facilitating the delivery of the new town at Tornagraim.
- The Council has failed to define the term 'Central Development Zone', which emerged from the A96 Growth Corridor Development Framework (supplementary guidance) and has therefore failed to include a full list of the settlements considered to fall within this 'Central Development Zone'.

- Object to the issue of the adoption of the A96 Growth Corridor Development Framework as Supplementary Guidance on the Grounds that it is not fit for purpose and is superfluous to requirement.
- Request for an Inquiry into the Emergence of the Development Strategy for A96 Corridor. A public inquiry should be held to test the concept of the A96 Corridor master planning work which has been carried forward through the HwLDP.

Modifications sought by those submitting representations:

Remove reference to interim infrastructure improvements (assumed) and ensure that the Nairn bypass precedes any major development in Nairn. (179)

The masterplan for the A96 Corridor is out of date which at best deserves challenge and review. Shoehorning the current masterplan into the HWLDP does not make it a coherent or acceptable blueprint. (101)

Homes for Scotland: Provision should be made for early phased development before major infrastructure is complete. This will help to kick-start new development.

The reference to the timescale of 2011-2016 at the end of the 1st line in Policy 9 should be removed. It is sufficient just to refer to 'developments set out in the early period of the Local Development Plan'. Reference to specific timescales could remove flexibility in the policy to take account for any potential delay in delivering the full housing allowances in the initial Local Development Plan period.

Also the Key policy guidance contained in the A96 corridor Developer contributions must be included within the development plan. (293)

Inclusion of policy and statements to support the Inverness Airport Business park including statements of phasing and economic outcomes. (272)

References to phases of development post 2021 should be removed from Policies 10, 12, 13, 20, 21, 22, 23 and from table 14.4 Nairn unless transport delivery mechanisms to support the planned growth from 2021 to 2031 can be clearly demonstrated for that Policy in order to comply with SPP guidance. (272)

The HwLDP must include the statement, ""The phasing of development across the A96 Corridor is closely tied in with the aspirations for the delivery of specific pieces of infrastructure and the need to ensure that all of the new expansion areas develop at a reasonable and complimentary rate" (272)

Reference must be made to the Rail Halt at Dalcross in terms of the rail halt's key role in delivering development on the site described in Policy 12 and no development of the new town should be allowed unless a timescale for delivery of the rail halt can be included in the HWLDP. (272)

Turnberry Consulting for Inverness Airport Business Park Ltd (IABP)(191)

IABP request that in the final Plan, IABP is expressly highlighted as an allocation alongside the other strategic developments identified.

C Stafford (272)

Action sought:

- The Council must surely be required to produce a better quality map than is presented as figure 5 on page 34 in order to clearly indicate the precise area which the 'A96 Corridor' covers.
- The Council should then make clear the link between the area covered by this map and the relevant Developer Contributions Protocols.
- The Council must provide a comprehensive and exhaustive list of future I existing settlements within the A96 Corridor in so far as it is possible to do but in particular taking into account settlements where there is any likelihood of further development taking place in or around them.
- The Council should then indicate which of the settlements would fall within the 'Central Area' and

hence establish the full range of settlements which would be required to bear the brunt of the onerous contributions towards infrastructure as set out in the A96 Growth Corridor Development Framework.

- The Council should also indicate which settlements/developments will have been included to calculate the '9000' Inverness East and '7000' Nairn population outcomes by 2041.
- The A96 GCDF must not be adopted as supplementary guidance because of the points as listed in the evidence attached.

Summary of responses (including reasons) by planning authority:

Principle of Development

- Development in the A96 Corridor has been a strategic objective of the Council for a number of years, and significant work has gone in to identifying a development strategy which will support the growth of the Highlands over the next twenty years and beyond.
- The 2007 A96 Growth Corridor Development Framework identified many of the opportunities which are now being promoted through the Local Development Plan. This was approved by the Council as Supplementary Planning Guidance pending the preparation of the Highland wide Local Development Plan.
- National Planning Framework 2 recognises that the A96 Corridor is the main focus for growth in the Inner Moray Firth and refers in detail to the A96 Corridor Development Framework. The Council remains of a view that the principle of development in the A96 Corridor is well established in local and national policy and the Highland wide Local Development Plan is the appropriate vehicle to bring these proposals into a statutory framework.
- The National Planning Framework 2 also makes reference to the need for transport and other infrastructure improvements, and recognises that the STPR has identified the need to dual the A96 between Inverness and Nairn and provide a new rail station, airport interchange and park-and-ride facilities. The Council continues to work closely with Transport Scotland in developing designs for these improvements.
- The economic downturn has proved a challenge for both public and private sector organisations. Whilst this will affect demand in the short term, the need for a long term vision for the area remains crucial, particularly with wider economic issues affecting Moray, and the opportunities for the region to grasp economic development associated with the renewables industry.
- Planning for the A96 Corridor is not at the expense of the rest of the Highlands – the Council has recently adopted Local Plans in the West Highlands and Islands and Sutherland areas which provide a generous and effective land supply for housing and economic development opportunities. The Council is also working closely with other agencies in the Caithness area, seeking to ensure a supply of land is available for the development of the marine renewables sector. Work on the Inner Moray Firth Local Development Plan will also ensure that provisions for the areas outwith the A96 Corridor are also provided for.

Infrastructure

- It is clear that infrastructure should be delivered in tandem with development in the A96 Corridor.
- The provisions set out in the STPR for the A96 Corridor have been welcomed, and Transport Scotland are currently working on a DMRB Stage 2 Design Study for the Inverness to Nairn corridor. This commitment to medium to longer term infrastructure delivery has informed the ongoing development of the planning strategy for the A96 Corridor. The preparation of the Proposed Plan was supported by a transport study prepared in partnership with Transport Scotland which helped identify a suitable phasing strategy for development.
- Other infrastructure provision has already been committed to across the Corridor. Scottish Water have carried out Water supply and wastewater treatment studies which take account of the short, medium and long term needs in the area, and this has informed their discussions with developers in recent times. A new wastewater treatment plan which will build in capacity over time for the A96 Corridor developments has recently been granted planning permission at Ardersier.

Phasing of Development

- The funding issues associated with infrastructure have necessitated a pragmatic approach to the

phasing of development in the A96 Corridor. All of the major allocations set out within this Local Development Plan have been assessed in respect of five year development periods, and discussions carried out with infrastructure providers on that basis. Transport Scotland has supported this approach, which will allow for the longer term design work to be completed. Interim developer requirements have been set out in the plan, and this has informed the decisions already taken by the Council in respect of phase 1 of the Beechwood Campus in Inverness and in respect of the Stratton development in East Inverness. The Council is therefore opposed to any suggestions that these phasing schedules are removed from the Plan.

- The phasing strategy set out in the Local Development Plan will be used to manage and facilitate development, and to ensure that infrastructure provision does keep pace. It is not anticipated that housebuilders will build homes that cannot be sold, particularly in the current economic climate.

Supplementary Guidance

- The Plan refers to the preparation of Supplementary Guidance in respect of the A96 Corridor. Respondents have stated the need to ensure that this guidance is in place as soon as possible. The Council agrees that this Guidance is required as soon as possible, although it is dependent on discussions with Transport Scotland on the outcomes of design work on the A96 Corridor and the potential funding issues associated with it. Further information is given in respect of this issue in the Schedule 4 for Issue 32.

Inverness Airport Business Park

- The Proposed Plan did not provide a specific allocation for the Inverness Airport Business Park on the basis that this was allocated in the Inverness Local plan and the Council was minded to grant Planning Permission subject to a Section 75 Agreement (see Committee Report). In light of the objections made to the fact that it does not appear, the Council would be content for details to be shown in the finalised Local Development Plan, and if the reporter is so minded, they may wish to clarify the detail required in order to allow this to happen.

Habitats Regulations Appraisal

- The HRA is underway and discussions are continuing with SNH. The outcomes will be submitted to the Reporter prior to the Examination.

Any further plan changes commended by the planning authority:

- More information to be added to the A96 Corridor Framework Plan to show Inverness Airport Business Park, the Dalcross rail halt and the Green Network.

Reporter's conclusions:

Representation note (403)

1. The representation from Moray Council has been withdrawn.

Natural heritage (118)

2. The Habitats Regulations Appraisal states that development may result in loss of habitats and/or species due to the creation of additional noise, disturbance and physical damage from recreational activities. It recognises that Policy 9 deals with the cumulative effects of the A96 corridor developments. It considers that mitigation should be applied through relevant individual policies concerning the area. If this is done there will be no residual adverse effects on the integrity of a European site. No modification is needed to Policy 9.

Principle of development (18, 67, 74, 76, 94, 172, 179, 180, 208, 209, 222, 285, 291, 343, 443, 446, 453, 527)

3. Many of these representations oppose the development of the A96 corridor, for sincerely held reasons that relate primarily to the amount of growth proposed, and the ability of the infrastructure to accommodate it, sustainability, and the diversion of growth from other parts of the wider plan area. This policy does not raise new issues, and read literally is not a proposal for development, but a

statement of how it will be phased, including the development of the infrastructure. In this regard it recognises matters raised in representations on these issues and seeks to address them.

4. From the submissions before me, and what I heard at the hearings on 27 and 28 September I am satisfied that the A96 corridor proposals form part of a long accepted strategy, at least by the Council and clearly many other supportive parties. Although a non-statutory document, the A9 Growth Corridor Development Framework was accepted by the Council as supplementary planning guidance, pending the preparation of the Highland-wide local development plan. Subsequent planning applications have been made on the basis of its proposals.

5. The National Planning Framework 2 is a statutory document. It states at paragraph 2 that; “It provides the strategic spatial policy context for decisions taken by the Government and its agencies. Planning Authorities are required to take the Framework into account when preparing development plans and it is a material consideration in the determining of planning applications.”

6. With regard to the A96 corridor it states at paragraph 214 that: “The A96 corridor between Inverness and Nairn is the main focus of growth in the Inner Moray Firth. Highland Council’s A96 Corridor Development Framework includes proposals designed to accommodate an additional 30,000 people in the area over the next 35 years.” It continues with references to Tornagrain and Whiteness and acknowledges the need for substantial investment in transport and water and drainage infrastructure and the creation of a supporting green infrastructure. It also recognises the need for the dualling of the A96 between Inverness and Nairn, and the provision of an airport interchange and park and ride facility at Dalcross.

7. Against this background I find the principle of the development of the A96 corridor is well established. The policy is therefore correct to concentrate on phasing and infrastructure. No modification is required in terms of the principle of the proposals.

Infrastructure (74, 153, 168, 218, 291, 431, 527)

8. The preamble to the policy sets out clearly that the main A96 development is to be in the medium to longer term. This is partially in recognition that to enable it to go ahead major improvements will be needed to infrastructure, including transport, education, water supply and drainage. The plan states specifically (paragraph 10.6) that infrastructure capacity needs to be increased to accommodate new development, and that the policy framework will resist development beyond the first phases until improvements have been designed and funding agreed.

9. In these respects I find no substantive difference between what the plan states and the representors are seeking. I consider the concerns raised are more relevant to the future implementation of the plan, and it will be up to the Council to demonstrate that the stated policy regarding infrastructure and timing is followed. Otherwise the wider fears raised by representors will have been seen to have a solid base. In terms of the plan however, I find no need for any modification in this regard.

10. Specific mention is made of the Inverness Trunk Link Route (168), suggesting that this is not required, at least at the eastern end. No evidence has been provided to justify this, and I have no basis on which to make any recommendation.

Phasing of development (153, 193, 218, 240, 272, 293, 307, 333, 465)

11. The concerns relating to phasing are similar to those expressed in relation to infrastructure. I also note significant support for the Council’s policy, and a realisation that major infrastructure needs to be in place before development takes place, especially for the newer settlement areas. Even then the policy recognises that the early concentration on developments set out in the early period of the plan can only be supported when interim infrastructure improvements are in place.

12. I note in the Council’s comments above about infrastructure plans that have already been put in place. The plan has a clear phasing strategy. Although concerns have been expressed about this (307, 465), I find it clear and sensible. No persuasive evidence has been provided to say why current Inverness local plan sites should not be given priority. As these are being carried forward or

incorporated in the Highland-wide plan, where there are no site constraints, and they accord with the plan's phasing, there is no reason why they should not proceed.

13. I take the point about longer term phasing, and the need for the monitoring of development and a clear view about the use of developer contributions. The latter are dealt with under issue 32. With regard to phasing, it should be remembered that the detailed planning of the corridor, as opposed to this partly strategic overview, will be considered during the preparation of the Inner Moray Firth local development plan. That, and its successors, will take forward plans for development over the 35 year expected lifetime of the programme. This will include regular reviews of progress as part of the normal planning process. I find no justification for any modifications regarding phasing.

Supplementary guidance (267, 272, 293)

14. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

15. In this case the supplementary guidance proposed relates primarily to developer contributions, and this is dealt with under issue 32. On the point made (267) regarding the timing of contributions and the viability of developments please see issue 32. On this issue, following a request for further information to clarify the situation, the Council proposes to add a further sentence to the policy as follows:

Where there are anticipated increases which create a need for new or improved services, facilities or infrastructure resulting from a development in this area, the principles of Policy 32 — Developer Contributions will be applied.

This is a sensible modification that should be included in the plan.

16. The Council has made it clear it has no intention of adopting the A96 Growth Corridor Development Framework as supplementary guidance. It was accepted at the hearing that whilst it remains in place as background information, the statutory role is that of the Highland-wide plan, which incorporates the necessary elements of the framework. The latter has played its part and effectively become part of the planning history of the area.

Inverness airport business park and rail link (191, 272)

17. These representations are not so much an objection to anything proposed by the plan, but an indication of what is omitted. It was acknowledged by the Council at the hearings that one of the disadvantages of having parts of the existing Inverness local plan running alongside the Highland-wide plan is that neither in itself gives a comprehensive picture of what is proposed.

18. This is a particular problem for both Figure 5, A96 corridor strategy, and Tornagrain (see Issue 13). In neither case does the plan provide any visual mapping indication for the development of one the most important commercial and transport developments in the area.

19. The Inverness local plan provides, at 3: Inverness airport – economic development initiative, a comprehensive plan that shows the airport, the existing and proposed business areas and transport links with relevant policy references. Whilst such level of detail would not be appropriate for the more strategically orientated Highland-wide plan, its omission in total gives a false impression of the development of this key area.

20. The Council has accepted that details should be shown in the Highland-wide plan and leaves it to the reporters to state what is required. As Policy 9 is a phasing and infrastructure policy, referred to above, there is no need for a specific mention in the policy or its preamble. Looking at specific improvements to Figure 5, unnecessary areas to the west of Inverness and east of Nairn could be removed, allowing the plan to fit sideways on a single side of A4. This would mean it is easier to read as a whole.

21. An outline of the wider airport development covering the area shown in the local plan, as just described should be included, and described along lines such as:

Economic development initiative, airport, transport interchange.

It would help if the railway was shown in a darker colour and clearly marked. On a personal note red lettering on a green background is very difficult to read for someone colour-blind on those colours, and would be better in black. See also Issue 13.

Other matters

22. I have considered all the other points raised. Most concern issues relating to the principle of the development, which I have addressed above. Others deal with matters concerning aspects of specific settlement development, which are better addressed under other policies that relate to those areas. Those making reference to the A96 growth strategy are effectively dealt with in my comments above regarding the principle and supplementary guidance. Taking the representations together I have not found anything that justifies a further modification to Policy 9 other than those referred to above.

Reporter's recommendations:

I recommend the following modifications:

1. At the end of Policy 9, add the following sentence:

Where there are anticipated increases which create a need for new or improved services, facilities or infrastructure resulting from a development in this area, the principles of Policy 32 — Developer Contributions will be applied.

2. Make the following changes to Figure 5, as found to be practicable to fit the page format of the plan:

- crop to fit on one page;
- provide an outline of the airport economic development initiative area and designate appropriately;
- as possible provide symbols for the airport, business area, and transport interchange;
- show the railway more clearly; and
- improve the clarity of the lettering and do not use red against green

Issue 10	Beechwood Campus	
Development plan reference:	Policy 10 (Para 11.7, Page 38)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) Scottish Natural Heritage (SNH) (118) Westhill Community Council (147) CB Richard Ellis for Grosvenor Eastgate Unit Trust (193) Turberry Consulting Ltd for Highlands and Islands Enterprise (HIE) (240) C Stafford (272) Scottish Environment Protection Agency (SEPA) (326) GH Johnston Building Consultants Ltd for land at Beechwood (473)</p>		
Provision of the development plan to which the issue relates:	Beechwood Campus	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • This area may have either hazardous installations and/or pipelines whose consultation distances may encroach on development areas. (53) • Fully support this policy & fully welcome the first requirement of the policy stating that links to the city centre need to be in place at an early stage. (193) • Agrees with the statement at paragraph 11.6.1 (240). • Pleased that paragraph 11.6.2 recognises that the Campus will deliver a range of opportunities however there should be a more detailed description of those activities in Phase 1 especially commercial/business opportunities and the regional sports centre. (240) • Pleased that paragraph 11.6.3 acknowledges that phase 2 of the Campus will be an important land supply for business land in Inverness. However concerned that this paragraph also allows for alternative uses of the land in phase 2 (as per map 6) and objects to the inclusion of the second sentence and the allocation of the land for Residential Institutions. (240). • Pleased that policy 10 supports Inverness Campus. Accepts phase 1 requirements but bullet point 2 should read, "Pedestrian and cycle bridge links towards Inverness Retail and Business Park and later phases of the campus site". (240) • Supports that phase 2 is unlikely to proceed before 2016 however would like policy 10 to state that: "Phase 2 of the Campus is a priority development within the Corridor, which will be allowed to proceed prior to the delivery of strategic infrastructure subject to there being sufficient existing infrastructure capacity to mitigate the impact of the development proposed." HIE reserves the right to comment further on the appropriate level of contribution to the link road and other strategic infrastructure. (240) • Change Allocation for Campus to Education/Mixed Use. (240) • Map 6 identifies land east of the TLR as open space. Confirmation is sought that the use of this land for playing pitches and ancillary facilities is consistent with the open space designation. (240). • Supports continued allocation of land north east of railway for residential. (240) • Supports the mixed use allocation on the Campus land to the south east of the TLR. (240) • Should be provision of a link through adjoining land to the north to the green bridge proposed access across the A9 into the Raigmore Estate. (473) • This policy should be subject to Habitats Regulations Appraisal. (118) • Reference should be added to indicate there should be avoidance of any adverse affects to the 		

Inner Moray Firth SPA/RAMSAR site. (118)

- SEPA support this policy and agree that any development proposals should be subject to a Flood Risk Assessment and the provision of a Drainage Strategy to demonstrate safeguarding of watercourses and floodplain. (326)
- The allocation must include provision for a rail halt and associated shuttle service into town, providing a useful “park and ride” facility. (147)
- The representation takes issue with the statement, *“The Council supports the development of the first phase of Beechwood Campus during the period 2011-2016 and the second phase after 2016.”* because it is too ‘open ended’ and vague as a policy with respect to the support for the second phase. The Council must make clear what it is and what it is not going to support in terms of subsequent phases of development at the Campus site. (272)
- Pleased that paragraph 11.3 identifies Inverness Campus as one of the three key elements of the spatial strategy for the East Inverness area. Also agrees with paragraph 11.6.1. (240)

Modifications sought by those submitting representations:

- Include Developer Requirement to provide pedestrian and cycle access through City to Inverness Retail and Business Park via Stoneyfield. (473)
- Under the sub heading “Natural, Built and Cultural Heritage” the following should be added, “avoidance effects to the Inner Moray Firth SPA and Ramsar site.” (118)
- Policy should make reference to proximity to hazardous installation/pipeline. (53)
- Provision to be made for a rail halt. (147)
- Further detail to be included in policy for phase 2 of Beechwood Campus. (272)
- Remove option for Residential Institutions in Phase 2. (240)
- Amend second bullet point of policy to read, “Pedestrian and cycle bridge links towards Inverness Retail and Business Park and later phases of the campus site”. (240)
- Augment Policy 10 to read, “Phase 2 of the Campus is a priority development within the Corridor, which will be allowed to proceed prior to the delivery of strategic infrastructure subject to there being sufficient existing infrastructure capacity to mitigate the impact of the development proposed.” (240)
- Confirmation of land for open space will be able to be developed as play fields/sports pitches. (240)
- Change Allocation for Campus to Education/Mixed Use. (240)

Summary of responses (including reasons) by planning authority:

Developer Requirements

- The planning permission for the Beechwood Campus Phase 1 has now been granted planning permission (09/00887/PIPIN).
- Developer requirements are in place to secure pedestrian and cycle links towards Inverness City Centre to the west and to Inverness Retail and Business Park to the east. Provision for access improvements to the wider area are also included in developer requirements related to green networks. Wording has been suggested to combine bullet points 1 and 2 of the Transport Developer Requirements. This would not be a fundamental change to the policy and would perhaps deal with the issues in a more succinct manner.
- Natural, Built and Cultural Heritage – an additional developer requirement related to the Inner Moray Firth SPA and RAMSAR site. Protection of the natural heritage is covered by Policy 58 – Natural, Built and Cultural Heritage which classes the site of international importance. Therefore it is considered that the plan is sufficient in this regard, however as other features covered by Policy 58 have been included in this area of the policy for consistency it may be an acceptable change.
- Hazardous Installations – It has been suggested that the allocation is in proximity to a hazardous installation/ pipeline. It is considered that this issue is sufficiently dealt with by Policy 31 – Physical Constraints of the Plan.
- Rail Halt – It has been suggested that within the policy provision should be made for a rail halt. This has been investigated previously, and is highlighted in the East Inverness Framework in the

A96 Growth Corridor Development Framework (Figure 4, Page 22) The Reporter may wish to specify that this be included as an aspiration for the later phases of the campus development, although it does need to be recognised that this will involve a co-ordinated effort by a range of stakeholders, including Network Rail.

Clarity

- Phase 2 detail – The inclusion of further detail for the second phases of the campus development has been requested. The Highland wide Local Development Plan sets out the principle of the types of land uses which may be acceptable within phase 2 of the development, by allocating land to the east of the railway line for a mix of residential and other uses, and the land to the west of the railway line as green space. The reporter should also note that there is an undetermined planning application for the entire campus site which has not yet been withdrawn (09/00256/OUTIN). The design of the potential east link between Inshes and Smithton (shown indicatively on Map 6) which is currently being undertaken by Transport Scotland, will be very important to determining the exact nature and location of future uses. It will be for future planning applications for the wider site or updated through future planning applications to move these proposals forward.
- Open Space Uses – Clarification has been sought over the open space allocation at the south of Beechwood and its potential uses. The Council maintains the view that the majority of this land should be made available for recreational space or open space which provides a setting for the campus site. Built development should be only related to the open space provision.

Changes to Policy

- Removal of residential institutions uses in phase 2 – This inclusion of this use class was to help provide for a wide range of uses which have been promoted on this site. This included the aspirations by the Scottish prison Service for a prison in this location. Highlands & Islands Enterprise as landowner has now determined that this use does not fit with the strategic vision for the site, and as a result, the Reporter may wish to change the allocation on this part of the campus site.
- In respect of the request to augment policy to indicate that phase 2 of the campus is a priority development able to be brought forward prior to delivery of strategic infrastructure, The Council has undertaken a wide range of work which has enabled the first phase of the campus (as well as other developments in the A96 Corridor) to progress ahead of strategic infrastructure interventions. This has been supported by a transport model (in partnership with Transport Scotland). This is a consistent approach across the developments in the A96 Corridor and it would not be reasonable to depart from this consistent approach for one development. As a major element of the strategic transport infrastructure (A96-A9 trunk Link Road) runs through the allocation at Beechwood it would not be reasonable to allow the second phase of development to go ahead without the solution for this infrastructure requirement being clearly understood, and the opportunities for other local linkages being in place or being the subject of further design.
- Change Allocation for Campus to Education/Mixed Use – While Map 6 identifies the site as mixed uses, Policy 10 – Beechwood and the supporting text specifically refer to the site as being for campus uses. Therefore it is considered that the plan sufficiently addresses the issue raised.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

Natural heritage (118)

1. The Habitats Regulations Appraisal recognises development may result in the loss of habitat and/or species due to the creation of additional noise, disturbance and physical damage from recreational activities.

2. The appraisal proposes mitigation by adding a new bullet point under the Natural, Built and Cultural Heritage part of the policy to read:
- Avoidance of any adverse effects on the integrity of the Inner Moray Firth SPA and Ramsar site.
3. It considers the revised wording would ensure that the SPA/Ramsar site is offered the appropriate level of protection with regard to the developer requirements for the campus. If this is done there would be no residual adverse effect on the integrity of the European site. The plan should therefore be modified as proposed.

Health and safety (53)

4. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. No evidence has been provided about hazardous land uses in the vicinity of the campus. The two principal high pressure pipelines pass to the north of the designated area along the A96 corridor, outwith the normal consultation distance from the campus. In any case any proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see Issue 31). This affects all development, and I am satisfied that no modification is needed to Policy 10 that makes specific reference to this.

Flood risk (326)

5. My attention has not been drawn to any specific flood risk problem in the area. This issue is dealt with under Issue 65, which includes a requirement for flood risk assessments, in addition to that already contained in Policy 10.

Developer requirements (240, 473,

6. The greater part of the policy is taken up with developer requirements, which are broadly accepted. Specific requests are on points of detail. It is proposed that the wording of the second bullet under transport be amended to make specific reference to pedestrians and cyclists. The Council suggests merging the first two bullets, and this would tidy up the wording, and is therefore a sensible modification. Linkage to the green network is already included under 'Green network and open space'.

Transport (147)

7. The Council suggests that the policy should include the provision of a rail halt, with associated park and ride facilities. The Council notes that this provision is highlighted in the A96 Growth Corridor Development Framework, where a public transport interchange is provided for on Figure 4, East Inverness Framework Plan. These proposals are effectively being taken over by the Highland-wide plan as a statutory document and it would be sensible for such a reference to be made in the policy. I note that the Council is sympathetic to this, but cautions about the amount of coordination necessary to achieve this.

8. I am aware from experience as to length of time it can take to achieve agreements to open new stations or halts. It would therefore be appropriate to include reference to this in the plan. It would be inappropriate to include this as a developer requirement at this stage, given the aspirational nature of the proposal, so suitable reference should be made under the reference to master planning in the first part of the policy.

Clarity (240)

9. The Council makes the point that phase 2 development of the campus depends in part on future transport studies being carried out, and that it has already identified land east of the railway for residential and other uses. In view of the uncertainty and timing it seems likely that these issues would be addressed during the preparation of the Inner Moray Firth local development plan, and that the level of detail requested is less appropriate for the more strategic level of the Highland-wide plan. No modification is needed on this matter.

10. The Council has confirmed that the open space designation east of the trunk link road can be used for recreational use, which would include formal sports provision. I note that it allows for the construction of buildings for this use. I do not find any need to modify the policy.

Supplementary guidance

11. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.

12. In this case there are references to supplementary guidance under Green Networks and Open Space and Education, in each case dealing with the relationship to new residential developments. Each has already been adopted by the Council, and is listed as such in Appendix 6.3.

13. In response to a further information request the Council has confirmed that each was subject to full public consultation. It also notes that the guidance will be subsumed into the emerging: Developer Contributions: Supplementary Guidance, and sets out the principles that will guide its preparation. This is dealt with under Issue 32, so there is no need to set them out here, or make any modification to the plan in relation to Issue 10.

Other policy changes (240)

14. The Council notes that the reference to 'residential institutions' on land east of the railway on Map 6 is no longer relevant as a potential prison use is no longer being pursued. This should therefore be deleted.

15. It is proposed to change the allocation of the campus to "Campus and Mixed Uses". The Council considers that the mixed uses designation is appropriate, and that the use for mainly campus activities is fully explained in the policy. Given the overall pattern of allocating sites to mixed uses in the plan, prior to detail being provided in later plans, I am happy to accept the Council's point, and no modification is necessary.

16. With regard to the priority to be given to Phase 2 of the campus development the Council expresses caution about this because of the importance of the transport links in the area. I can understand the concern that important developments could be delayed because of a lack of priority attached to them. However there is no evidence to suggest that the Council does not give this priority. I am also aware of the transport and congestion issues that affect this part of Inverness, both from plan policies, representations made, and my own site inspections. I therefore accept the Council's explanation about the importance of new infrastructure being in place, and find that no modification is needed.

Reporter's recommendations:

I recommend the following modifications:
(All recommendations relate to Policy 10.)

1. Delete the second paragraph and replace with:
Any development at this location for the second phase will be supported by a detailed masterplan for campus related uses to the west of the railway and for business and commercial to the east of the railway line. The masterplan should also make provision for a public transport interchange, with consideration being given to the opening of a new rail halt and park and ride facility.
2. Delete the first two bullet points under Transport and replace with:
Pedestrian and cycle bridge links towards Inverness city centre, Inverness retail and business park, and the later phases of the campus site;
3. Add a new bullet point under the Natural, Built and Cultural Heritage part of the policy to read:
Avoidance of any adverse effects on the integrity of the Inner Moray Firth SPA and Ramsar site.
4. On Map 6, on the site allocation for "Business/Industry/Residential Institutions", delete "Residential Institutions".

Issue 11	Inverness Retail and Business Park	
Development plan reference:	Policy 11 (paras. 11.8-11.9, pages 40-41 & Map 6)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) CB Richard Ellis for Grosvenor Eastgate Unit Trust (Eastgate) (193) Pritchett Planning for Scottish Widows Investment Partnership Property Trust (SWIP) (228) Scottish Wildlife Trust (285) Scottish Property Federation (291) Scottish Environment Protection Agency (SEPA) (326) Hazel House Dental Surgery (HHDS) (361) Burnetts for Hercules Unit Trust (409) GH Johnston Building Consultants Ltd for land at Beechwood (473) Tesco Stores Limited (520)</p>		
Provision of the development plan to which the issue relates:	Bulky goods retail allocation	
Planning authority's summary of the representation(s):		
<p><u>HSE (53)</u></p> <ul style="list-style-type: none"> • Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. This site is in the general proximity of both a high pressure gas pipeline and an aviation fuel pipeline. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. <p><u>Eastgate (193)</u></p> <ul style="list-style-type: none"> • Supports bulky goods only restriction for allocation. Believes the Plan should specifically restrict other town centre uses such as restaurants and bars at this location. Fears that any relaxation of this approach will block shoppers from the east travelling further into the city and using the facilities in the city centre. <p><u>SWIP (228)</u></p> <ul style="list-style-type: none"> • Inshes District Centre and other retail centres defined within the approved development plan should be prioritised in the period 2011-2016 ahead of new allocations such as that suggested under Policy 11 because this would best meet the Plan's priority of consolidating the City. <p><u>Scottish Wildlife Trust (285)</u></p> <ul style="list-style-type: none"> • Believes that the allocation's green networks and open space developer requirement should be more explicit about the natural heritage benefits of a green network - e.g. the habitat (connectivity) benefits to badgers and other protected species and the common benefits to people and wildlife of having a green network. <p><u>Scottish Property Federation (291)</u></p> <ul style="list-style-type: none"> • Supports the development of the retail park for bulky goods and believes that there is evident demand for the intensification of this use in this location. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> • Objects to allocation unless the policy includes a specific developer requirement that any 		

development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. Believes the allocation is subject to flood risk (but no source referenced).

HHDS (361)

- Seeks assurance that a cycle/pedestrian connection will be made between Stoneyfield Business Park and Inverness & Retail Business Park. States this is required because there is no bus service within Stoneyfield Business Park, that two dental surgeries exist within the Park, and that a large proportion of the customers of the two surgeries require public transport. The lack of a public transport connection generates more vehicle trips which also results in problems of parking overflow and refuse bin collection.

Burnetts for Hercules Unit Trust (409)

- Requests its views as owner of the Inverness Retail Park are fully taken into account.
- Wants support for additional bulky goods retail to also apply to existing Retail Park (excluding Tesco's landholding). This would be delivered via mezzanine and within curtilage extensions. Reasons that this is a sustainable way to add additional floorspace without loss of greenfield land, habitat and natural watercourses. Also it will not cause additional surface water flooding problems.
- Wants supporting text and Policy 11 to be amended only to require developer improvements that pass the tests in Scottish Government Circular 01/2010 Planning Agreements.

GH Johnston Building Consultants Ltd for land at Beechwood (473)

- Supports but urges completion of pedestrian/cycle link between Stoneyfield Business Park and Inverness Retail and Business Park because this is important to active travel connectivity and there is a path through Stoneyfield already.

Tesco (520)

- Asserts that the allocation of only part of the wider retail park is inappropriate because it creates inconsistencies with the adopted Inverness Local Plan and with Scottish Planning Policy. Both of these policy frameworks (would) classify the retail park as a commercial centre.

Modifications sought by those submitting representations:

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the gas pipeline (assumed). (53)
- Policy 11 amendment to specifically prevent town centre uses such as restaurants and bars on this allocation (assumed). (193)
- The bulky goods retail allocation should be deleted from Map 6 and that Policy 11 should only apply to the existing retail park not any extension of it (assumed). (228)
- A more explicit reference in Policy 11 to the natural heritage benefits of a green network - e.g. the habitat (connectivity) benefits to badgers and other protected species and the mutual benefits to people and wildlife of having a green network (assumed). (285)
- Policy 11 should include a specific developer requirement that any development proposal is subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. (326)
- A firmer commitment in Policy 11 to implement a cycle/pedestrian connection between Stoneyfield Business Park and Inverness & Retail Business Park (assumed). (361)
- Para 11.8.1 - add new text (underlined) in second sentence to read: 'This spatial strategy supports that further expansion, subject to necessary improvements being brought forward at the A96 trunk road... (409)
- Amend Map 6 and Policy 11 wording as follows. Extend bulky goods only allocation on Map 6 to cover existing Inverness Retail Park (less Tesco landholding). Clarify that Policy 11 applies to this wider site and that all listed developer requirements only apply in so far as they pass the tests in Circular 01/2010. (409)

- The allocation and the wider retail park should be allocated and classified as a commercial centre. (520)

Summary of responses (including reasons) by planning authority:

HSE (53)

- The northern tip of the allocation is approximately 225 metres from the route of the Aberdeen to Conon Bridge high pressure gas pipeline at its closest point. That pipeline has a band of interest of 90 metres either side of its course. Scotland Gas Network Ltd's (the pipeline operator) consultation interest relates to civil engineering works within specified distances. The closest ones (which are theoretically relevant) of which are 15 metres for piling operations and 150 metres for demolition. The only operations with an applicable consultation distance would be blasting which carries a 250 metres distance and 1km for mining but these are irrelevant to the use proposed.
- Similarly, the Inverness to Lossiemouth aviation fuel pipeline comes within approximately 150 metres of the northern tip of the allocation. This pipeline doesn't carry an official, operator consultation distance but the Council has informally agreed a 100 metre distance with the operator Babcock Facilities Management.
- Accordingly, the Plan allocation is not proposing any relevant use within any applicable, hazard consultation distance.

Eastgate (193)

- The final bullet point of Policy 11 already specifically restricts this allocation to bulky goods retailing. The Council regards this Plan content as sufficient. However, there is an [outline non-food retail planning application](#) still pending for the allocation which indicatively shows two restaurants and a drive-thru establishment. If the Reporter deems it appropriate then the Council would accept any amendment to further strengthen or clarify the aim of the policy which is to restrict uses to those that cannot reasonably be accommodated within the city centre.

SWIP (228)

- Inverness Retail and Business Park lies within a wider area formerly known as West Seafield. The adopted local plan (policy 7, page 31) allocates West Seafield as a retail park, along with Inshes and one other, within which or (if a suitable site can be found) on the edge of which, further bulky goods retail floorspace should be accommodated. The adopted local plan City Inset Map does not offer a definitive boundary for the West Seafield retail park but the wider notation includes the new Plan's Policy 11 allocation. Accordingly, the adopted local plan gives equal priority to the West Seafield and Inshes Retail Parks in terms of their acceptability to accommodate further bulky goods retail provision. It could be argued that such a proposal within Inshes Retail Park should have priority over one on the edge of West Seafield but the latter doesn't have a definitive edge in adopted plan terms and the former has very limited scope to accommodate new buildings within its boundary. Moreover, the new Plan's Policy 11 bulky goods allocation is suitable in terms of its site-specifics (subject to the developer requirement mitigation listed in the policy) and it is already allocated for this purpose in non-statutory but approved planning guidance (The A96 Growth Corridor Development Framework page 22).

SWT (285)

- The Council's Green Networks: Draft Supplementary Guidance provides a full explanation of the natural heritage and recreational benefits of green networks. Also, the justification text (para. 23.1.2) for the Plan's general Policy 75 states these common benefits. It is not necessary to duplicate this cross-issue justification for every allocation.

SPF (291)

- Support noted.

SEPA (326)

- The allocation's developer requirements already include protection of natural watercourses,

avoidance of the floodplain and the need for a sustainable drainage plan. In addition, the Plan's general Policy 65 Flood Risk, sets out further policy coverage. It includes the requirement for a Scottish Planning Policy (SPP) compliant flood risk assessment (FRA) for developments within any 1 in 200 year flood risk area. Therefore, the Council would assert that the Plan is sufficient in this regard.

HHDS (361)

- Policy 11 already includes a specific requirement that the development of the allocation is dependent upon a cycle/pedestrian connection between Stoneyfield Business Park and Inverness & Retail Business Park. This requirement is being negotiated with the relevant developer/owner, Inverness Estates, as part of the pending planning application.

Burnetts for Hercules Unit Trust (409)

- Burnetts for Hercules Unit Trust has, in recent years, been seeking to provide additional non-food retail floorspace within its Inverness Retail Park landholding via mezzanine floorspace proposals. This development pressure and the Council's resistance to it (because of concerns about parking and access) culminated in a refusal of a Certificate of Lawful Use and a subsequent appeal to Scottish Ministers. DPEA appeal reference P/CLUD/270/4 gives full details of the outcome. The Council maintains that the appeal decision supports the Council's current development plan view that no further retail floorspace should be permitted in this locality without access and parking improvements.
- Burnetts for Hercules Unit Trust's representation implies that it now accepts this dependency and with it the need to comply with the developer requirements (including contributions) listed in Policy 11. If the Reporter interprets Burnetts for Hercules Unit Trust's representation in this way then the Council would agree that enlargement of the bulky goods allocation (as suggested by Burnetts for Hercules Unit Trust) would be appropriate. However, the Council does not agree with Burnetts for Hercules Unit Trust's suggested addition to the end of the first paragraph of Policy 11. The suggested wording implies Burnetts for Hercules Unit Trust is still disputing the necessity of parking and access improvements in relation to its development proposals. The Plan already references Circular 01/2010 in para. 18.10.1 in the preamble to its general policy on Developer Contributions. If the Reporter feels Burnetts for Hercules Unit Trust's suggested insertion is appropriate then this would be the place for it rather than duplicating the reference for every allocation that lists developer requirements. The Council agrees that mezzanine floor and extension proposals tend (other things being equal) to have fewer environmental impacts than greenfield developments but their access and parking impacts tend (other things being equal) to be similar.
- The Inverness Retail Park parking, internal road layout and cul-de-sac access already exceeds its design capacities during peak periods. The appeal decision explains that the original planning permission floorspace limit for the Retail Park has already been breached. Moreover, the adjoining business park, which shares the same Eastfield Way cul-de-sac access, has still to develop its principal, frontage site. If any spare capacity exists in Eastfield Way and its connection with the A96 then arguably it should be reserved for the development of that committed, employment use.

GHJ (473)

- See HHDS (361) response above.

Tesco (520)

- It is not the purpose of Policy 11 to define a hierarchy of retail centres. The Plan's general Policy 41 Retail Development, sets a strategic retail hierarchy based on settlement size and function. However, at the sub-settlement scale (in this case within the City) it is not appropriate for a strategic policy document to detail a network of centres. The Inverness Local Plan (largely policy 7 on page 31 and City Inset Map) already provides this and its successor document, the Inner Moray Firth Local Development Plan, will provide an opportunity for a review of this network.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Habitats Regulations Appraisal*

1. The appraisal screened out Policy 11 on the basis that the land use is none residential and it is sufficiently distant from Natura sites.

Health and safety (53)

2. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. The council confirms that the retail and business park lies outwith the consultation zones for pipelines. In any case any proposals would be assessed under policy 31 where safety constraints will be listed and mapped in supplementary guidance (see issue 31). This affects all development, and I am satisfied that no modification is needed to Policy 11 that makes specific reference to this.

Flood risk (326)

3. I note the Council's comments regarding the existing developer requirements regarding protection of natural watercourses, avoidance of the flood plain, and sustainable drainage. Also Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 11.

Phasing (228)

4. I note the Council's comment that the adopted Inverness Local Plan gives equal priority to West Seafield (the Inverness retail and business park) and Inshes retail parks. Also that the latter has limited scope to accommodate new buildings, a point confirmed by my site inspection. In view of this, and the designation within the A96 Corridor Framework, I conclude that no modification is required.

Retail and associated uses (193, 291, 409)

5. The council has accepted the principle of additional bulky goods retailing at the park and this is set out clearly in the policy. The first point at issue is the relationship between additional retail floor space and the need for improvements to the road access network and parking facilities. This relationship was confirmed in the appeal case referred to by the Council. The decision, P/CLUD/270/4, confirmed that a condition imposed on the original 1996 planning permission, subject to a minor variation in 2000, places a cap on the total amount of retail floor space permitted. Importantly it confirmed the relationship between the need for road and parking improvements if further development is to take place.

6. This is confirmed in the developer requirements for transport in Policy 11. The principle thrust of the representation in this regard is to tie the policy more closely to the requirements of Circular 01/2010. I do not however accept that this is necessary here, for the reason given by the Council that this is already established under Policy 32, the preamble to which states clearly at paragraph 18.10.1 that any agreement reached will be consistent with Government policy set out in the circular.

7. The Council accepts that in the circumstances it would be appropriate to expand the bulky goods area shown on Map 6 to include the retail park area, other than Tesco. This is effectively confirming the terms of the policy, and this modification should be made. This would allow the development of mezzanine floor space for retail use, subject to the relevant permissions and contributions.

8. This is accepted by the Council on the basis that the representor has finally accepted (after the appeal) that new development requires planning permission and that future grants will be tied to the access and parking improvements. The representation seeks the addition of the word 'necessary' (for the relevant improvements), presumably to ensure that any agreement/obligation is tied to the circular. I accept the principle of this, but it would be sensible to emphasise the link between the development and the improvements.

9. The remaining principle point relates to the restriction of new uses to bulky goods. Appropriate concern has been expressed about the potential threat to the viability of the city centre if further appropriate to the city centre, such as restaurants, are allowed at the retail park. The Policy already states that development will be strictly limited to bulky goods retailing, and the Council considers this to be adequate. I agree that it is necessary to restrict other uses, in line with the representation, but accept the Council's view, as the policy as proposed is clear and unambiguous in its restriction of permitted uses.

Access (361,473)

10. This is already covered by the developer requirements under the policy, and there is no need for any further reference.

Green network (285)

11. I accept the Council's comments with regard to Issue 75. The points made in the representation are clearly set out there, and I agree that no further reference is required here.

Retail centres (520)

12. Policy 41 sets out clear criteria for a hierarchy of settlements, and I consider this is the appropriate place for this to be considered. I also accept the Council's point that within the settlement area this matter should be addressed in the forthcoming Inner Moray Firth local development plan. No modification is needed here.

Reporter's recommendations:

I recommend the following modifications:

1. At the end of the second sentence of paragraph 11.8.1, add a new clause:

that are necessary to accommodate the increased traffic generated by the new development.

2. On Map 6, extend the area in blue allocated for Retail (Bulky Goods) to include the Inverness retail park, other than the area occupied by the Tesco store

Issue 12	Stratton	
Development plan reference:	Policy 12 (Para 11.11, Page 42)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Health and Safety Executive (HSE) (53) Scottish Natural Heritage (SNH) (118) Inverness Estates Limited (249) Mrs M Cameron (337) Mr & Mrs K Morrison (356) Mr R Orr (357) John Cormack, Laura MacMillan and Claire MacMillan (375) Highlands & Islands Green Party (HIGP) (533)</p>		
Provision of the development plan to which the issue relates:	East Inverness	
Planning authority's summary of the representation(s):		
<p><u>Housing Need</u> The whole development is a bad idea, simply it is not needed, Inverness is nothing but houses and empty shops. (357)</p> <p>Who is going to buy the houses and where are all these people going to work. (356)</p> <p><u>Infrastructure</u> Concern that the roads cannot cope with the traffic that is on the road. (356, 375)</p> <p>Dual carriageway from the Smithton roundabout to the Tesco roundabout will not make a difference, particularly during rush hour. (356, 375)</p> <p><u>Impact of Development</u> Proposed building work will disturb the wildlife population. (375).</p> <p>Proposal is likely to have an adverse impact on This development will have a detrimental effect on the continuing downwards spiral of Inverness city centre. (356).</p> <p>Why plan for retail development in this area when there are unoccupied premises in the city centre. (356).</p> <p><u>Phasing</u> Why is there no provision for a secondary school, leisure facilities, general industry, commercial/business facilities in the period 2011-2016 or specific open space (note that map 6 does include some open space allocation, but this is unphased, and wholly located in the SE corner of the area). (533)</p> <p>Object to phasing. phasing should be modified. (249)</p> <p><u>Miscellaneous</u> The proposal and policy should be subject to Habitats Regulations Appraisal. (118)</p> <p>East Inverness- Our house is on the boundary of this development and I would prefer a more</p>		

detailed plan. First of all what does mixed use mean? Mixed Use to us means the developer can use the land for anything. I don't understand how THC can grant anything on such sketchy plans. (337).

SEPA support this policy and agree that any development proposals should be subject to a Flood Risk Assessment and the provision of a Drainage Strategy and note that the policy includes a requirement that these are provided before any application is determined and that no development takes place in an area subsequently found to within the functional floodplain as defined by Scottish Planning Policy. (326)

This area may have either hazardous installations and/or pipelines whose consultation distances may encroach on development areas. (53)

Modifications sought by those submitting representations:

Phasing should be modified in the following manner:

- **Phase 1:**
 - Residential: delete '300' and replace with '750', with an additional note at the foot of the table to reflect the current position that, beyond 300 dwellings, a review of education provision will be required prior to the construction of any additional dwellings
 - Non-food retail: delete '1,350 sq m' and replace with '3,350 sq m'
 - Offices: delete '2,100 sq m' and replace with '5,100 sq m'
- **Phase 2:**
 - Residential: delete '450' and replace with '875'
 - Non-food retail: delete '1,000sq m' and replace with '0'
 - Offices: delete '2000 sq m' and replace with '0'
- **Phase 3:**
 - Non-food retail: delete '1000 sq m' and replace with '0'
- **Phase 4:**
 - Delete column (249)

Summary of responses (including reasons) by planning authority:

Rationale for Allocation

The National Planning Framework 2 (Para. 214, Page 85) identifies the A96 Corridor 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 Stratton Farm is therefore consistent with Scottish Government's national spatial strategy for long term development to deliver increased sustainable economic growth. The site has genuine developer interest and landowner support. The Council is minded to grant Planning Permission in Principle for the development subject to Section 75 Agreement (reference 09/00141/OUTIN).

Housing Need

The Housing Needs and Demands Assessment considers the level of housing need and demand for the entire Highland area and identifies areas where there may be deficiencies, Inverness and the A96 corridor is an area where demand outstrips supply. The Highland wide Local Development Plan seeks to address this issue through the provision of sufficient housing land. Scottish Planning Policy (Para 70-76) also seeks to establish a generous housing land supply to offer choice. Further information on this issue is included in Issue 86 – Population & Housing.

Roads Infrastructure

The Council have under taken traffic modelling of the A96 Corridor area to inform the Highland wide Local Development Plan, in partnership with Transport Scotland. This has demonstrated at what

stage infrastructure improvements will be required. This has been used to determine the phasing of development in the area. The modelling has also been used to identify what interventions will be required to ensure no net detriment to the local or strategic road network. These interventions have been agreed as it relates to a set amount of development as specified in the report to Council (Item 2).

Impact of Development

Amenity - All planning applications will be assessed against their impact on amenity including privacy, light, noise. Where the Planning Authority have concerns related to this they may consult Environmental Health to discuss potential mitigation and/or suitable construction methods for the development to avoid adverse affects on amenity.

Affect on Wildlife Population – The Highland wide Local Development Plan has been subject to Strategic Environmental Assessment (Appendix 5, Page 76) which has helped to inform the developer requirements for this allocation, including those related to the natural environment and wildlife interests. The plan is subject to Habitats Regulations Appraisal which will also set out any revised wording to take account of the affect of the allocation on designated areas. In addition the plan must be read as a whole and this would mean any proposal on this site should also meet the requirements of Policy 59 – Protected Species, Policy 60 – Other Important Species and Policy 61 – Other Important Habitats. Therefore it is considered that the plan sufficiently addresses the issue of wildlife population.

Developer Requirements

Hazardous Installations – It has been suggested that the allocation is in proximity to a hazardous installation/ pipeline. It is considered that this issue is sufficiently dealt with by Policy 31 – Physical Constraints of the Plan.

Phasing

Revised phasing has been proposed by the developer of the site. This site was granted Planning Permission in Principle subject to a Section 75 Agreement at the meeting of The Highland Council on 15th September 2010 (Item 2). Condition 1 of the planning permission relates to phasing of development and outlines what level of development would be permitted in each phase. The phasing attached to the planning permission is consistent with that in the Highland wide Local Development Plan – Proposed Plan.

The phasing of this allocation has been designed in a manner which will allow first phases of development to go ahead where there is sufficient capacity in existing infrastructure including schools. The phasing strategy which has been arrived at has been the subject of discussions with relevant service providers and allows the management of this major development within the timescales set out. The Section 75 Agreement being negotiated at present sets out how this phasing strategy will be actively managed and it is not considered necessary to change the underlying planning policy.

Community Facilities – The Council have identified when new community facilities will be necessary and have included these in developer requirements. Further detail for phase 2 onwards will be brought forward as part of future masterplans as required under the conditions of the proposed planning permission.

Allocation of other uses – Within the Stratton allocation a mix of uses are proposed across the 20 year period of development. This includes commercial/business, retail, office and community facilities. The provision of general business and industrial land is set out in Policy 42 – Business and Industrial Land, which sets out the Council's support of existing strategic business sites and creation of new business and industrial uses. Allocations for these sites will be brought forward through the Inner Moray Firth Local Development Plan.

Allocation of Open Space – The open space allocated in the wider East Inverness area is not phased as it is considered that this area will remain un-developed. With regard to open space within the Stratton allocation open space will be delivered in line with the Open Space in New Residential

Development: Interim Supplementary Guidance (Section 2), which requires 40m² per person of open space to be delivered, for the Stratton allocation this equates to over 20ha of open space which will be delivered over the lifetime of the development.

Miscellaneous

Habitats Regulation Appraisal – The allocation has been screened for Habitats Regulations Appraisal and SNH has agreed that the site should only be assessed in combination with all other A96 allocations as well as individually. The Council are progressing the appraisal in conjunction with SNH.

Lack of Detail – The level of detail on the mapping is limited to make the mapping easier to read. Policy 12 contains a significant level of information on the requirements of any development on the allocation. It is the role of the planning application to set out clear details regarding the development of the site.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Natural heritage (118)

1. The Habitats Regulations Appraisal recognises development may result in the loss of habitat and/or species due to the creation of additional noise, disturbance and physical damage from recreational activities.
2. The appraisal proposes mitigation by modifying the sentence under the third bullet of heading 'Natural, Cultural and Built Heritage' to read: "Avoidance of any effects on the Inner Moray Firth SPA/Ramsar (site) and Longman and Castle Stuart Bays SSSI."
3. It considers the revised wording would ensure that the SPA/Ramsar site is offered the appropriate level of protection with regard to developer requirements at Stratton. There would be no residual adverse effects on the integrity of the European site. I find the plan should therefore be modified as proposed.

Health and safety (53)

4. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. No specific hazard has been identified, but parts of the site may lie close to the consultation zones for pipelines, in this case high pressure gas and aviation fuel. However any proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see issue 31). This affects all development, and I am satisfied that no modification is needed to Policy 12 that makes specific reference to this.

Rationale for allocation and housing need (356, 357)

5. The overall rationale for the development must be addressed within the context of issues 9, 85, 86, and 89, the A96 framework, spatial strategy, population and housing land, and East Inverness respectively. The former in particular notes that the A96 framework, which includes Stratton, is now established as statutory policy through its inclusion in National Planning Policy Framework 2. This is translated into the development plan through the Highland-wide local development plan. Through this I have found that the allocation is consistent with national policy, and in line with the overall population growth projections and housing land requirements. The other issues should be read with regard to the details of my conclusions on this. I find no justification for removing Stratton from the proposed plan.

Roads infrastructure (356, 375)

6. Map 6 sets out the general location of three new roads that will be required to facilitate

development in the area. I note that the developer requirements relating to transport matters list a number of improvements to the road system that will be necessary to allow development to proceed. Further discussion on new road construction is also discussed under issue 89 in particular. I have found that the general tenor of the plan places significant emphasis on infrastructure needs before development is permitted, and I see no need for any further requirements to be set out here.

Impact on individual properties (337)

7. It is not the task of this plan to consider the amenity of individual residences. These would be more appropriately considered, depending on circumstances, in area local development plans or when planning applications are being considered. The mixed use allocation is a broad designation that, for the Highland-wide plan purposes indicates that the land is allocated for development. The Council explains the potential mix of uses, and other than housing most of the uses are primarily ones that provide support for the proposed new residential developments. These, including commercial and business development, to provide employment opportunities, and community facilities, providing local services.

8. The plan makes it clear that the detailed development proposals for these sites will be brought forward in the area local development plans. Preliminary work on the plan for the Inner Moray Firth is already underway with a call for sites being made. These will be considered in a main issues report, when the representor will have an opportunity to comment on the specific impacts that a range of options may have on individual properties. There is no need for further comment in the proposed plan.

9. As the plan is at a general strategic level, maps and figures are to some extent diagrammatic. Detail will be shown on the forthcoming area local plans, and will enable greater consideration of the impact of development on individual properties, although ultimately final assessment will depend on information contained in planning applications.

Phasing (249)

10. The Council makes it clear that the issue of phasing is already under negotiation following the grant of outline planning permission, with the broad terms of the phasing being imposed by condition. Details are now under discussion, and it would therefore be wrong to try and impose a solution in this strategy level plan. It would be appropriate for that to be done as part of the forthcoming Inner Moray Firth local development plan.

Supplementary guidance

11. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is proposed for a master plan and viability testing.

12. Regarding Policy 12, there is reference to guidance for developer contributions in the pre-amble, and for open-space in new residential developments, and education and new residential developments, in the main part of the policy, under green networks and open space, and education, respectively. These are dealt with under Issue 32 developer contributions, and need no further reference here.

Reporter’s recommendations:

I propose the following modification:

1. Delete the third bullet under the heading “Natural, Cultural and Built Heritage”, and replace with:

Avoidance of any effects on the Inner Moray Firth SPA/Ramsar site and Longman and Castle Stuart Bays SSSI.”

Issue 13	Tornagrain	
Development plan reference:	Policy 13 (Para 12.4, Page 44)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (32) Health and Safety Executive (HSE) (53) Mary Harrison (73) Scottish Natural Heritage (SNH) (118) Westhill Community Council (147) Julian Walford (155) Highlands & Islands Green Party (168, 533) Turnberry Consulting (Moray Estates) (171) Mrs Annie Stewart (172) C Stafford (272) Scottish Wildlife Trust (285) Scottish Property Federation (291) Mrs Sally Melville (313) Scottish Environment Protection Agency (SEPA) (326) Lance Hill (343) J Merrouni (397) Scottish Association for Public Transport (446) Robin Buchanan (451)</p>		
Provision of the development plan to which the issue relates:	Allocation for new settlement at Tornagrain	
Planning authority's summary of the representation(s):		
<p><u>Concerns regarding the principle of development</u></p> <ul style="list-style-type: none"> • Totally against the Tornagrain development because Nairn is being expanded and Stratton Farm has just received permission in principle. (343) • Still question the sustainability of a new town here but if it is to go ahead it should serve as a community in its own right. (172) • Development of Tornagrain will increase congestion and negate any improvements to the A96. Would prefer additional development of existing settlements rather than new towns which have a poor record for public transport. (446) • Issue with and object to the inclusion of Section 12 and policy Statement 13 on Tornagrain because of contradictory statements between HwLDP statements and the A96 Corridor Transport Study (i.e. the A96 study assumes a later starting date on 2016) and minimal description of the relationship of Tornagrain to the SSCI process. A Scottish Minister wrote that submissions to the SSCI were assessed under criteria related to the potential of a project to deliver long term sustainability through communities that engage positively with the environment. It was a requirement for any project that was not already allocated within a development plan to demonstrate a practical approach to delivery. This approach had to be in line with all statutory procedures and SSCI status does not in any way pressurise decisions on planning matter. (272) • The Highland Council must provide high quality analysis of population and employment statistics that address much more precisely the amount and type of housing actually needed in the area. Nothing we have seen to date has been more than aspiration or 'finger in the air' numbers. (451) • The Highland Council has not effectively addressed the issue of eliminating the horrendous incrementalism of their approach where development is proposed for Croy, Tornagrain, Culloden, Sunnyside, Ardersier, Nairn, etc without actually adding it all up and considering the 		

total negative effect on infrastructure, the environment, employment, quality of life and other issues. (451)

- The Highland Council has not effectively addressed the issue of avoiding the hollowing out of Inverness (and Nairn) just like the USA and England did to their cities and towns in the 60s and 70s when everyone fled to the suburbs leaving city centres as crime spots. (451)
- Have the Council offered any alternative locations for these developments that would be welcomed by those local communities who need the development as opposed to those who live in the Tornagrain/Croy/Dalcross communities? (451)
- Support the development of the site and the contribution it will make to meeting housing need. (291)

Concern regarding level of community consultation:

- The Highland Council has not clarified the strength of support and opposition for these developments from local people whose interests they are supposed to represent. At one village meeting I went to for example out of about 100 people present at least 80 spoke or applauded speakers against the Tornagrain proposal. The council refer to getting 'buy-in'. This is the same cynical nonsense that the American charette attempted. We don't need the council to get us to buy-in. We need them to listen to us and respond constructively and specifically to each of our objections and concerns until either a large majority of us are convinced or they drop these poorly thought through ideas. (451)

Concern regarding the provision of facilities:

- Questions why is there only provision for a secondary school in the period 2026-31, no provision for leisure facilities and only minimal provision for commercial/business facilities but then only after 2021. (533)
- The area does not have sufficient medical facilities for increased population. (313)
- Development should service Inverness by providing largely residential development with small retail units, the planned primary school and health centre by 2021. The main commercial and business development should be around the airport with an airport hotel. (172)
- I have no problem with the Tornagrain proposals, but only if the employment opportunities match the residential development. I would object to Tornagrain if it is only a commuter suburb for Inverness, or a new out-of-town retail site. (155)
- Overall, we conclude that if the Plan's provisions for Tornagrain (and East Inverness) are retained, the upshot will be piece-meal, patchy developments lacking the necessary infrastructure - notably local shops, schools, and thereby repeating the same, well-known planning problems that have concerned many Inverness residents in recent years. (147)
- The Highland Council has not effectively addressed the issue of demographic issues, particularly provision of health and other services for older people and education for children. (451)

Concern regarding impact of development on traffic/roads:

- Road upgrades should be completed prior to any new development on the A96 corridor. (343)
- Wish to object to the Tornagrain development as the A9, A96 and all the minor roads are quite inadequate for the increased traffic. (313)
- Agree with permitting the development of early phases with just localised improvements to the transport network. (291)
- Disappointed to see the retaining provision for the development at Tornagrain (and East Inverness). We see no need at all for these two massive developments. Traffic congestion around the area and into Inverness will increase significantly, and cannot see from where the required public finance for necessary infrastructure development will come from. (147)
- Tornagrain should not be allowed to proceed until the A96 airport roundabout and the road to Croy has been upgraded (xref Policy 20:Croy). (73)
- It is not sufficient to just highlight the Mid-Coul roundabout, which is actually quite a high capacity new roundabout anyway. As Map-7 clearly shows, the new settlement is actually centred not at Tornagrain, but on the Croy to Mid-Coul road where the early phases will be developed. This road must be specifically upgraded. (155)

- The Highland Council has not effectively answered the questions about re-routing the A96 and all the other traffic issues that arise from developing an area with already high traffic demands or how they propose to address all the problems caused by the actual building works. While it goes on builders and their lorries will be adding to traffic and pollution problems for example. (451)

Concerns regarding the loss of agricultural land:

- Development would be concomitant with the destruction of vital agricultural land. (147)
- The Highland Council has not effectively addressed the issue of building on greenfield prime agricultural land at a time when food security is becoming increasingly important. (451)
- Should remain designated as agricultural land or designated as open space, including provision for parkland, and arboretum. (168)

Concern regarding impact of development on tourism industry:

- The development will have a potentially damaging effect on tourism. (313)
- Disappointed at the loss of trees, and with Tornagrains close vicinity to the airport our gateway will welcome visitors to the Highlands with bland housing. (397)
- The Highland Council has not effectively answered the question as to how much damage to tourism will be caused by these proposals. Why would people from the built up areas of the Central Belt, England or America want to go for a holiday in the Highlands when it will just look like more of the same urban/suburban blight they are trying to get a holiday from? (451)

Concern regarding the impact of developments on other settlements:

- Concern about Tornagrains potential impact on Croy. (397)
- If Tornagrains is developed it will provide 844 houses in 10 years, so why does Croy need 100 in this period. It seems like even more development pressure. (73)

Concern regarding the Dalcross Level Crossing:

- Of direct concern to Network Rail is Dalcross Level Crossing (Location plan submitted). The level crossing is a public crossing and has auto half barriers. The level crossing has been identified as one at risk. In 2005, Network Rail and the Council tried to close it but issues were raised during consultation that the Council felt they could not reasonably resolve and so the crossing was left open. However the proposed development at Tornagrains will over time substantially increase traffic over the crossing and therefore safety risk. (32)

Concern regarding the level of development & phasing:

- Object to the terms of the policy as being unduly restrictive by virtue of the cap placed on the development of phases and number of units over a prescribed period of time. The automatic restriction beyond Phases 1 & 2 restricting any further development prior to major infrastructure upgrades and, in particular, prior to significant improvements to the strategic transport network east of Inverness. There is thus no scope to account for changing circumstances such as if the predicted travel growth does not occur at the levels or within the time-frame predicted. This could lead to a failure to meet future demand despite there being sufficient infrastructure capacity, as such further developments would technically be contrary to the policy as it stands. (171)

Concern regarding the proposed development's proximity to airport:

- The Highland Council has not effectively addressed the issue of building a town next to an airport with all the noise, traffic, and safety issues that that raises. (451)

Concern regarding the financing of the proposed development:

- The Highland Council has not effectively addressed the issues raised regarding finance. At the meeting mentioned above the planner seemed to say that developers would not be liable to pay for/finance certain critical costs thus putting the burden on local tax payers. Who picks up the tab if it all goes pear-shaped financially—the UK government?, the Scottish Government?, or Highland Council? Developers go bust. Costs over-run. Costs appear that nobody thought of and nobody is responsible for paying. (451)

Concern regarding potential local impacts:

- The Highland Council has not effectively addressed the issues raised by residents and others around light pollution, noise pollution, wildlife disturbance, fly tipping, crime, trespass, and all the usual problems associated with major developments in the countryside. (451)
- The Highland Council has not effectively explained how they are going to recompense local businesses and others damaged by these proposals. (451)

Concerns regarding impact of proposed development on flooding and water environment:

- SEPA object to this policy unless there is a requirement that dependent on the specific location in relation to any watercourses development proposals should be subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. This is because we consider that there may be a risk of flooding from the tributary of the Ardersier Burn and other small watercourses within this allocation. (326)
- In relation to the protection of the water environment and River Basin Management Planning SEPA note that the burn crossing the allocation has sections of partial and total realignment. We would promote channel restoration in development of this area. In order to meet the requirements of the Water Framework Directive (200/60/EC), planning authorities are designated “responsible authorities” by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. (326)

Concerns regarding provision of infrastructure:

- Connection to Public Waste Water Network - SEPA object to the provision in Policy 13 that Phase 1 and Phase 2 would, in the first instance, be connected to a private water treatment system and that thereafter it should be connected to the public water and waste water networks. SEPA maintain our position that all phases of development at Tornagrain should connect to the public waste water network. Further details expressed are contained within SEPA’s submission. (326)
- The Highland Council has not effectively addressed the need for both clean and dirty water services that don’t drain Loch Ness or overwhelm local sewage works. (451)
- The Highland Council has not effectively addressed the issue of the need for gas and electricity infrastructure or outlined a sensible time phased plan where the infrastructure is put in first not last. (451)

Other

- The proposal and policy should be subject to Habitats Regulations Appraisal. (118)
- The wording “due consideration should be given to Kildrummie Kames SSSI” lacks clarity, the wording should be similar to that describing SAC and SSSI in Policy 12. (285)
- This area may have either hazardous installations and/or pipelines whose consultation distances may encroach on development areas. (53)

Modifications sought by those submitting representations:Dalcross Level Crossing

- Welcome that the Policy recognises that developer contributions will be required for infrastructure improvements but would like this Level Crossing to be closed and as a last resort, developer funding to significantly improve the infrastructure. Request that this is addressed specifically in the Policy or at the very least the inclusion of an appropriate bullet point under ‘Transport’. *Request that Policy 13 is amended to include specific guidance to developers in relation to the Level Crossing identifying it as a physical constraint to development proceeding which must be addressed through consultation with the Highland Council and Network Rail.* (32)

Level of Development & Phasing

- Paragraph 12.4.1 should be amended as follows:
- Amend the second paragraph to read “This spatial strategy supports the development at

Tornagrain over the plan period on a phased basis where capacity exists in the supporting infrastructure”.

- Modify the development schedule table to show only the total amount of floorspace/units to be provided under each use class.
- Amend the final paragraph to read “The development of the later phases of Tornagrain will be supported as long as capacity exists in the strategic transport network”. (171)

Provision of Facilities

- Policy must clarify the provision for secondary school in 2026-2031, provision of leisure facilities and minimum provision for commercial/business facilities. (533)
- Policy should allow for the development to be largely residential with small retail units, the planned primary school and health centre by 2021. The main commercial and business development should be around the airport with an airport hotel. (172)

Allocation

- Removal of allocation for Plan (assumed). (147,313)
- Policy to specify development will not be permitted until A96 airport roundabout and the road to Croy have been upgraded (assumed). (73, 343)
- Removal of allocation & amendment to overall strategy to allow additional development of existing settlements (assumed). (446)

Flood Risk & Water Environment

- Policy should include a requirement that, dependant on the specific location in relation to any watercourses, development proposals should be subject to a Flood Risk Assessment before any application is determined and that no development takes places in an area subsequently found to be within a functional floodplain as defined by Scottish Planning Policy. (326)
- Policy should promote channel restoration of the burn. (326)

Infrastructure

- Policy should be amended to state that all phases of development should connect to the public waste water network. (326)

Roads

- Policy needs to specify that the Croy to Mid-Coul Road will be upgraded. (155)

Policy

- Policy/supporting text must address discrepancies between the HwLDP and A96 Corridor Transport Study and the minimal description of the relationship to the SSSI. (272)

Other

- Wording relating to the SSSI should be amended to be similar to that describing SAC and SSSI in Policy 12. (285)
- Policy must be subject to a Habitats Regulation Appraisal. (118)

Summary of responses (including reasons) by planning authority:

Rationale for Development

- The Council is supportive of the development at Tornagrain as part of a wider growth strategy for the A96 Corridor. The principle of a new settlement at this location was confirmed in the A96 Corridor Framework, which was adopted by the Council as Supplementary Planning Guidance, pending the preparation of this Local Development Plan. Many of the matters raised in this consultation (including the proximity to the airport) have been addressed in earlier consultations, and reported to the Council Committee at that time. Background information on the A96 Strategy and the role of Tornagrain within it is available on the Council’s web-site.
- National Planning Framework 2 (Para. 214, Page 85) identifies the A96 Corridor 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. Detailed figures regarding housing need and demand are available in the Council's Housing Need and Demand Assessment as well as referred to in the Schedule 4 referring to Population and Housing (Issue 86).

- Tornagrain was also chosen as one of the Scottish Government's Scottish Sustainable Communities Initiative sites.
- The Tornagrain proposal is subject of a current planning application (09/00038/OUTIN) which will not be determined by the Council until such time as the outcome of the Examination is known. The Council has developed the proposed Plan policy to put in place a phased development strategy of the new settlement which will reflect the fact that this is a long term development opportunity which will take many years to build out. A lot of the information submitted with the planning application and subsequently by Moray Estates shows how the site will develop in distinct phases, with the appropriate community facilities being provided at the appropriate time. The information submitted also shows the landscape framework which will ensure separation from Croy and indeed integration with the Inverness Airport Business Park, which is part of the long term employment land supply for the area.
- The consolidated Scottish Planning Policy states that development on prime agricultural land will not be permitted unless it is an essential component of the settlement strategy. The proposed development at Tornagrain is an fundamental component of the A96 Corridor Growth Strategy that will help to work towards meeting a backlog of housing need and demand within this area.

Provision of Facilities

- The Council believes adequate provision has been made for a range of facilities that will allow Tornagrain to become a self sustained and sustainable community. In terms of education, discussions between the developer and the Council are ongoing in this regard and the intention is that education provision will be funded by the developer. A health centre is proposed for the initial phase between 2011 and 2016. Provision has also been made within the first phase for various commercial and retail opportunities (including café, bar/restaurant, retail units) and over the long term Tornagrain's proximity to the forthcoming development of the Airport Business Park will provide sustainable employment opportunities.

Sustainability

- The town design is underpinned by a series of design principles that will ensure the development will be compact, diverse, mixed use and sustainable. Development thereby will be of sufficient scale to support employment, commercial and community needs. The location and structure should reduce the need for car based travel and increase the potential for people to live and work in close proximity, particularly through the inclusion of live-work units.

Impact on Local Roads

- The Council acknowledge such a significant development will undoubtedly have an impact on roads, for this reason the developer requirements outlined in the Plan aim to ensure the initial phases of development are self contained/self sufficient in order to minimise any negative impact to any surrounding roads. To further minimise impact, the Council has outlined developer requirements to improve bus services and provide for active travel linkages to key community facilities to make public transport as attractive as possible and thereby reducing car usage. Over the longer term the development of the later phases will not be supported in advance of significant improvements to the strategic transport network to the east of Inverness, and a full assessment of other services and infrastructure required. This approach is supported by Transport Scotland and will allow the delivery of early phases of development to progress prior to significant investment in the trunk road network.

Foul Drainage

- Discussions have been held between Moray Estates and Scottish Water regarding the scale and costs associated with improvements that would be necessary to take the foul drainage from the boundary of the site to the treatment works at Ardersier. Such a scheme would be best addressed collectively with the Inverness Airport Business Park given the obvious economies of scale and joint benefit. The preference is that a connection to the public

network is made as part of the development.

Dalcross Level Crossing

- The Council would be happy for the policy to be amended to include a developer requirement to address this issue, albeit that the delivery of a solution in this area will be dependent on working with Network Rail, the Council and the community. It is not anticipated that this issue is fundamental to the early development of the site, but this can be clarified in further discussion.

Habitats Regulation Appraisal

- The Council is progressing the Plan's Habitats Regulations Appraisal (HRA) in conjunction with SNH. The Council accepts that this allocation should not be screened out and should be subject to full HRA. Details of appropriate mitigation will be confirmed through this process.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Background

1. Hearings were held in Inverness on 27 and 28 September 2011. As well as Tornagrain they considered the wider issues of development in the A96 corridor, and overall population projections and housing land allocation figures. As well as the evidence referred to above I have taken into account what I heard at the hearings.

Natural heritage (118)

2. The Habitats Regulations Appraisal recognises development may result in the loss of habitat and/or species at Loch Flemington SPA, due to the creation of additional noise and disturbance from recreational activities.

3. The appraisal proposes mitigation by adding a new bullet point in Natural, Built and Cultural Heritage as follows:

“Avoidance of any adverse effects on the integrity of Loch Flemington SPA, including from cumulative recreational disturbance.”

4. It considers the additional text would ensure the SPA would be offered the appropriate level of protection with regard to developer requirements for Tornagrain. If this is done there would be no residual adverse effect on the integrity of the European site. The plan should therefore be modified as proposed.

5. It is also noted that there is an access management plan in existence relating to the outline planning application (referred to above) and this recognises the need to avoid adverse effects on the qualifying interests of the Loch Flemington SPA. This does not affect the examination.

Rationale for development (172, 272, 291, 343, 446, 451)

6. Many of the objections to Tornagrain, and other settlement expansion in the area, are based on the premise that the population projections used by the Council are far too optimistic and lead to provision of housing land far in excess of what is necessary. As explained in issues 85 and 86, the housing need and demand assessment has been stated by the Scottish Government to be robust, so its conclusions have been accepted by the reporters. As explained at the hearing, the allocations do contain an allowance of 25% for flexibility, in line with Government advice, and this understandably can give rise to claims of over-allocation. It is not open to reporters to question this allowance.

7. Tornagrain is included in the proposals set out in the A96 corridor development framework, on page 26. The framework was accepted as non-statutory supplementary planning guidance by the Council, and was subsequently included in Nation Planning Framework for Scotland 2 (see Issue 9).

The principle of development is therefore established, and the framework says that planning authorities are required to take it into account when preparing development plans and it is a material consideration in determining planning applications. I find the principle of developing a new settlement at Tornagrain is therefore well established in planning policy. No modification is required regarding the principle of the development.

Provision of facilities and sustainability (147, 155, 172, 313, 451, 533)

8. The Council has explained about discussions with the developer regarding education facilities, and that the primary school is scheduled for provision in the first phase of the development. I note also provision of a health centre is scheduled for the first phase of the development, and the table of phasing under Policy 13 should be modified to show this.

9. The Council states that it believes that adequate provision has been made to allow Tornagrain to become a self sustained and sustainable community. Any community starting development from scratch will inevitably take time to build into a cohesive unit. It is not entirely clear from the plan that Tornagrain is located adjacent to the Inverness (Dalcross) airport business park. This is located on the north side of the A96, but because it is included in the Inverness local plan, it does not feature prominently in the Highland-wide plan. This is discussed further below. I have not been provided with any persuasive evidence that Tornagrain is incapable of becoming a sustainable community, and I believe that the presence of employment opportunities at the business park will help it to become sustainable. Business and retail facilities are also provided for in the first phase of the plan, and additional detail will be provided in the forthcoming Inner Moray Firth local development plan. No further modification is required on this matter.

Traffic impact (73, 147, 155, 291, 313, 343, 451)

10. I note that Transport Scotland has supported the approach taken by the Council regarding phasing of road improvements. The plan provides for significant developer requirements in phase 1, as set out clearly in the policy under transport. I am also reassured by the Council's comments that later phases will not be supported in advance of significant improvements to the strategic road network east of Inverness.

11. At the hearing there was discussion about the provision of a rail halt at Dalcross, just north of the A96, with all parties agreeing this would be beneficial. There is no timing for such provision, and my own experience shows that negotiating new halts on railways is time consuming. A halt as proposed would also serve the airport, and its business park, and be of great benefit to the community. This should be pursued by the Council during preparation of the Inner Moray Firth local development plan.

12. Overall I am satisfied that providing the Council ensures that the transport improvements referred to above are implemented in accordance with the agreed phasing plan, then traffic impact would not provide sufficient reason for deleting the development, and no modification is needed.

Dalcross level-crossing (32)

13. This level crossing is on the unclassified road that connects the A96 to the B9039 to the west of the airport. I understand that it is classified as one at risk, although previous efforts to close it have been unsuccessful, due to local opposition. It is likely that use of the road would increase significantly once Tornagrain is developed, and the Council states that it would be happy to see a modification to the plan requiring detailed discussions about the future of the crossing. This would be a sensible way of addressing the issue in the short term.

Drainage (326, 451)

14. The potential for connecting foul drainage to the treatment works at Ardersier was considered at the hearing. As I understand it, the plant at Ardersier is to be upgraded. Logic suggests that if sewage is to be pumped there at some stage in the settlement's development, it would be sensible to do this from the beginning, rather than finance a substantial private interim plant. I consider this to be a matter between the developer, Scottish Water, SEPA, and the Council. It is not a matter that justifies the deletion of the proposals.

Flood risk (326)

15. Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference under Policy 13.

Health and safety (53)

16. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. Two high pressure lines, for gas and aviation fuel, appear to pass either within or close to the Tornagrain site. This is a matter that would have to be considered as part of any planning application. However, any proposals would be assessed under Policy 31 where safety constraints will be listed and mapped in supplementary guidance (see issue 31). This affects all development, and I am satisfied that no modification is needed to Policy 13 that makes specific reference to this.

Supplementary guidance

17. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is proposed for a master plan and viability testing.

18. Regarding Policy 18, there is reference to guidance for developer requirements for open-space in new residential developments, and education and new residential developments, in the main part of the policy, under green networks and open space, and education, respectively. These are dealt with under Issue 32 developer contributions, and need no further reference here.

Other matters (147, 168, 285, 313, 397, 451)

19. Concern is expressed that community consultation has not been properly carried out. The reporters have considered the Council's consultation report with regard to the plan, and found that the Council has met its legal obligations. There may be issues regarding other aspects of communication on specific issues carried out at other times, but these do not form part of the examination. If there are valid matters regarding this they should be pursued through other channels.

20. The Council notes the Scottish Planning Policy support for the use of prime agricultural land only where the development is an essential component of a settlement strategy. I consider this to be the case here, with regard to the A96 corridor development strategy already discussed. I do not consider use as parkland or an arboretum as likely, however desirable this may be. If not developed it would be unlikely that good quality land would be used for anything other than agriculture.

21. I agree that the policy bullet under Natural, Cultural and Built Heritage with regard to Kildrummie Kames SSSI is not particularly effective. Accepting that an SSSI adjacent to the proposed development could suffer potential threats it would be better for the bullet to refer to mitigation, and an appropriate modification made.

22. There is no clear evidence before me to support the view that the Tornagrain development would be harmful to tourism. From what I heard at the hearing the new development would have a comprehensive landscape framework, and any trees lost would be compensated by new planting. It is not uncommon for airports to be associated with settlements. Within the wider context of Nairnshire the proposed new settlement area is relatively small. I am not convinced that any modification is required.

23. As referred to in paragraph 9 above, the relationship between Tornagrain and the airport business park is unclear. This is because the latter does not feature significantly in the Highland-wide plan because it is already enshrined in the Inverness local plan as a major development proposal. Map 3 in the latter shows an extensive area for development, including the airport,

business park, and new access road, the latter now constructed with a roundabout access on the A96.

24. At the hearings this caused a degree of confusion as it was not fully appreciated how close the two development areas are to each other. This has implications in terms of employment and transport. In addition the Inverness-Aberdeen railway line runs between the two, making a halt and associated park and ride an attractive proposition. Whilst appreciating that the approach adopted to mapping in the Highland-wide plan does not involve local plan sites being carried forward, in this particular case it would help the understanding of the plan as far as the wider setting of Tornagrain is concerned. This could be done by modifying map 7, perhaps including proposals north of the A96 in shadow form. At the hearing the Council said it was sympathetic to such a modification.

Reporter's recommendations:

I recommend the following modifications:

1. Under the developer requirements for Natural, Built and Cultural Heritage add a new bullet point as follows:
 - Avoidance of any adverse effects on the integrity of Loch Flemington SPA, including from cumulative recreational disturbance.
2. In the table of phasing for the development, delete the 400 m² under Health Centre column 2026-2031, and insert it instead in the column 2011-2016.
3. Under the developer requirements for transport, insert a new bullet point as follows:
 - Discussion to take place with Network Rail and the Council with the aim of finding a long term solution to the safety issues associated with the Dalcross level crossing on the Inverness-Aberdeen railway line.
4. Under the developer requirements for Natural, Built and Cultural Heritage, delete the sixth bullet, and add a new bullet point as follows:
 - Appropriate mitigation measures with regard to the Kildrummie Kames SSSI which runs along the South Eastern edge of the site, to avoid any adverse impact on the site.
5. On Map 7 provide an indication of the development area to the north of the A96, to include the airport, airport business park and Inverness-Aberdeen railway line.

Issue 14	Whiteness	
Development plan reference:	Policy 14 (Para 13.2, Page 48)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (HSE) (53) Scottish Natural Heritage (118) Mrs Annie Stewart (172) Nairn Residents Concern Group (NRCG) (209) C Stafford (272) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Mixed Use Allocation at Whiteness	
Planning authority's summary of the representation(s):		
<p><u>Representations regarding the site allocation and nature of proposed uses:</u></p> <ul style="list-style-type: none"> • This is the ideal location for a significant new industrial development such as the assembly and/or maintenance of equipment for renewable energy sources, not for another large housing development. It could offer much needed jobs to the surrounding communities. (172) • The development of Whiteness as a tourist destination with an operating sailing harbour and accompanying facilities would massively contribute to the increase of long-term jobs and should be viewed as complementing and adding to plans for a high-class tourist destination and a maritime leisure resort would form an ideal addition to the golf, tennis and equestrian facilities envisaged for Delnies. (209) • The exposed location of Whiteness, especially with regard to the nature reserve in which it is embedded, renders it unacceptable for use by renewable industries and this alternative must not be recommended. The NRCG firmly contends that renewable industries must not be supported on the Whiteness site and therefore this remains an 'unresolved issue'. (209) <p><u>Concerns regarding the policy text:</u></p> <ul style="list-style-type: none"> • Object to the statement made as Policy 14 on the grounds that this policy statement: <ul style="list-style-type: none"> ○ Lacks the clarity and certainty that should be incumbent upon policy statements contained in what is an extremely important strategic document in a Plan-led system; ○ Fails to address what could be a limited range of options if the housing element does not come forward - given that the Council recognises that there is a possibility that the housing element will not come forward; ○ Fails to provide a phasing strategy and hence fails to provide clearly demonstrable links between development at Whiteness and the 'A96 Corridor Transport Study' which describes Whiteness as a key development for the period. (272) <p><u>Representations regarding impact on housing need:</u></p> <ul style="list-style-type: none"> • It would seem appropriate to draw the conclusion that development in another area of the A96 Corridor would need to be brought forward, should housing development on the land allocated at Whiteness not materialise. By not including any reference to this it would appear that the Council no longer wishes to draw attention to the fact that land release could be accelerated in other areas of the A96 Corridor to potentially meet their HNDA requirement figures. It is difficult to envisage however from which areas this additional housing allocation could come if the Whiteness development fails to deliver. (<i>xref: population and housing – issue 86 and A96 phasing and infrastructure</i>). (272) <p><u>Concerns regarding flood risk:</u></p> <ul style="list-style-type: none"> • SEPA object to this policy unless the policy includes a developer requirement that, dependant 		

on the specific location within the allocation, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. Further details on specific concerns expressed are contained within SEPA's submission. (326)

Other:

- This area may have either hazardous installations and/or pipelines whose consultation distances may encroach on development areas. (53)
- The proposal and policy should be subject to Habitats Regulations Appraisal. (118)

Modifications sought by those submitting representations:

Allocation/Future Uses

- Policy to be amended in order to allocate the site entirely for industrial/renewable development. (172)
- Policy should **not** allocate site for renewable development use (optimum use would be as a tourist destination with an operating sailing harbour and accompanying facilities – assume modification sought for reallocation of site for such uses). (209)

Impact on Housing Need

- Policy amended to state how the Council would proceed should housing development not come forward on the site, including outlining:
 - from which areas any accelerated land supply would need to come
 - what the phasing of the accelerated land allocation would be and;
 - setting out a phasing strategy for the effective land supply (set at 50%) (272)

Flood Risk

- Policy amended to include a *developer requirement that, dependent on the specific location within the allocation, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy.* (326)

Other

The proposal and policy should be subject to Habitats Regulations Appraisal. (118)

Summary of responses (including reasons) by planning authority:

Allocations/Future Uses

- The site has been identified in the first phase National Renewables Infrastructure Plan (N-RIP) as a 'best-fit' location which should be focuses on the immediate future as part of an approach to ensure Scotland can offer a range of locations for the off-shore wind energy industry. This identification was based on a range of criteria such as proximity, site, location and timescale. The development of the offshore renewable industry is an economic growth opportunity that can bring benefits to many areas of Scotland. To take this opportunity there is a need to bring forward a 1st phase of locations that establish competitive position for Scotland in this market. As the industry develops, and builds on existing strengths, a wider range of locations will play important roles. (172, 209)
- Whiteness retains the potential to contribute to the development of the renewables sector and as such a positive recognition of this in policy 14 remains valid.

Impact on Housing Need

- Wider issues relating to the housing land requirement are dealt with through the Schedule 4 - Issue 86: Population & Housing.
- The elements of choice and flexibility offered through the gross housing land requirement take account of the potential for sites not to be delivered and still accommodate the projected

housing need. Tables 2 and 3 identify where the gross housing requirement can be met and how through the development of existing sites within the city and the timely release of sites within the A96 corridor to ensure the necessary infrastructure improvements for the continued delivery of new housing. (272)

Flooding

- The SEA Site Assessment identified that the northern and eastern edges are at risk of coastal flooding and part of the south west of the site is at risk of fluvial flooding. The Council would not be adverse to the inclusion of additional text to specify that a developer requirement to undertake a Flood Risk Assessment will be necessary. (326)

Other

- The Council is progressing the Plan’s Habitats Regulations Appraisal (HRA) in conjunction with SNH. The Council accepts that this allocation should not be screened out and should be subject to full HRA. Details of appropriate mitigation will be confirmed through this process.

Any further plan changes commended by the planning authority:

N/A

Reporter’s conclusions:

Natural heritage (118)

1. The Habitats Regulations Appraisal recognises that development may result in the loss of habitats and/or species as a result of the creation of additional noise, disturbance and physical damage from recreational activities.
2. The appraisal proposes mitigation by inserting an additional sentence at the end of the policy to read:

Renewables-related-development will be subject to the production of a masterplan which should ensure that there are no adverse effects on the integrity of the Moray Firth SAC and Inner Moray Firth SPA/Ramsar site.
3. It comments that the National Renewables Infrastructure Plan considers the Habitats Regulations Appraisal but only suggests that: “It is likely that the Habitats Regulations Appraisal will be required at project level”. The proposed wording reflects this, and with it in place there would be no residual adverse effect on the integrity of the European sites. The plan should be modified accordingly.

Flood risk (326)

4. With regard to potential flooding, Policy 65 is comprehensive in relation to flood risk, and presumes against development in areas susceptible to flooding. It also makes specific reference to Scottish Planning Policy on flooding, and the requirement for development to comply with that, normally through the preparation of a flood risk assessment where appropriate. This is an overarching policy that will guide all development, and I find no need for a specific reference to flooding issues under Policy 14.

Allocations/future uses (172, 209)

5. According to the A96 Growth Corridor Development Framework an outline planning application for a housing development and the creation of a tourist leisure destination was granted planning permission in 2006, and that preliminary ground works and service connections have been undertaken. Since then the National Renewables Infrastructure Plan has been prepared and it identifies the site as a ‘best – fit’ location for a base for potential off-shore renewable energy industries, as explained by the Council.
6. The Council has recognised this by the qualification in the policy that it will support such a use

if the housing element of the existing proposal does not come forward. This presents a dilemma for the Council, but one that may be solved by the market, if an off-shore developer should seek to buy the site. It was clear from my site inspection that the work anticipated in the A96 Framework to start in 2008 has not proceeded to any significant extent. Given market conditions further work seems unlikely in the near future, so the policy wording gives the Council a sensible option of promoting the alternative use as a base for off-shore renewables. I find no need to modify the policy.

Impact on housing need (272)

7. As explained under Issue 86 the housing land requirements include a flexibility allowance of 25%, over and above the actual requirement. This allows the Council the flexibility to react in the event of specific sites not coming forward, to ensure that sufficient effective land is available to meet the overall requirement at any one time. Any shortfall could be provided from other allocations within the A96 corridor where, according to submissions heard at the hearings on 27 and 28 September, ample effective land is available in excess of immediate requirements. In addition the Council has the option of providing more sites through the forthcoming area local development plans, as requested by representations under a number of issues. I am satisfied therefore that any failure of the housing element to come forward, which in policy terms is the principal use proposed for Whiteness, would not damage the ability of the Council to ensure an effective housing land supply. No modification is necessary.

Health and safety (58)

8. Concern is expressed about the possibility of sensitive uses being developed within the consultation distances for major hazard sites and pipelines. My attention has not been drawn to any specific installations in close proximity to Whiteness, but it is a matter that would have to be considered as part of any planning application. However, any proposals would require to be assessed under Policy 31, which indicates that safety constraints will be listed and mapped in supplementary guidance (see Issue 31). This policy applies to all development, and I am satisfied that no modification is needed to Policy 14 that makes specific reference to this.

Reporter's recommendations:

I recommend the following modifications:

1. Add a new sentence at the end of the policy as follows:

Renewables-related development will be subject to the production of a masterplan which should ensure that there are no adverse effects on the integrity of the Moray Firth SAC and Inner Moray Firth SPA/Ramsar site.

Issue 15	Lochloy	
Development plan reference:	Policy 15 (para 14.7)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (118) Nairn Residents Concern Group (NRCG) (209) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Nairn - Lochloy Residential Allocation	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • The proposal and policy should be subject to Habitats Regulations Appraisal. The associated policies of the Nairnshire Local Plan should also be subject to Habitats Regulation Appraisal. (118) • There is no infrastructure detail to support this policy. The Sewage treatment works remain at >27% capacity and offensive sewage smells pervade the area, making it frequently impossible to go outdoors or to play golf on this tourist course. Infrastructure detail needs to be addressed before further housing at Lochloy proceeds. (209) • SEPA object to Policy 15, Lochloy unless they include a developer requirement that, dependant on the specific location in relation to the minor watercourse, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to within the functional floodplain as defined by Scottish Planning Policy. This is because we consider that there may be a risk of flooding from the watercourse within this allocation. (326) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Addition of a requirement for a Habitats Regulation Appraisal • Requirement for adequate sewage works • Requirement for a Flood Risk Assessment before any application is determined 		
Summary of responses (including reasons) by planning authority:		
<p><u>Habitats Regulations Appraisal (HRA)</u></p> <ul style="list-style-type: none"> • Habitats Regulations Appraisal - The Council is progressing the Plan's Habitats Regulations Appraisal (HRA) in conjunction with SNH. The outcomes will be submitted to the Reporter prior to the Examination. <p><u>Sewage works</u></p> <ul style="list-style-type: none"> • Scottish Water information indicates that there is sufficient capacity for the further development of this site in Nairn. Scottish Water has not objected to any of the allocations contained within this Local Development Plan. Any issues relating to the management of this facility should be addressed to Scottish Water. <p><u>Flood risk</u></p> <ul style="list-style-type: none"> • Specific developer requirements are not appropriate to an allocation that merely rolls forward the provisions of the approved development plan. The only substantive changes are to announce the concept of masterplans so that these can be future statutory supplementary guidance hooked on a policy in an approved local development plan and more detail on the 		

proposed phasing of City vis-à-vis A96 allocations.

- The Plan's general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. When SEPA have information to predict and map similar risk areas for small watercourses and pluvial issues then these too would trigger the application of Policy 65 and its flood risk assessment requirement.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Habitats Regulations Appraisal

1. In representation 118, Scottish Natural Heritage says that it is unable to come to a final view until such time as the Council has completed its Habitats Regulations Appraisal. The appraisal should consider proximity to the Moray and Nairn Coast special protection area and the in-combination effect in relation to other proposed developments in the Inverness to Nairn corridor.
2. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. In a letter dated 3 October 2011, Scottish Natural Heritage withdrew its representation regarding Policy 15. In doing so, it made the following comment.

Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.

In view of this, I conclude that no modification to Policy 15 is required.

Sewage works

3. Representation 209 contends that existing foul drainage already exceeds the treatment capacity of the local sewage treatment works. Increased treatment capacity is required before there is any further housing at Lochloy. The Council contends that there is sufficient capacity for further development.
4. I note that Scottish Water has not made representation against the Lochloy allocation.
5. From paragraph 14.6.2 of the proposed plan, I note that planning permissions have been granted for residential development at Lochloy. From inspection of the locality, I am aware that considerable residential development has taken place here. In the circumstances, it seems to me highly likely that, if the sewage works were inadequate or incapable of expansion, the Council would have been aware of this and Scottish Water would have made a representation.
6. I note that any new proposal for additional development at Lochloy would be subject to Policy 66: *Waste Water Treatment*. This policy gives opportunity for drainage matters to be given further consideration.
7. My conclusion is that the plan need not be modified in response to representation 209.

Flood risk

8. Representation 326 objects to Policy 15 unless the policy ensures that no development takes place on any area that is found to be within the functional floodplain of "the minor watercourse."
9. In its response to the representation, the Council refers to "an allocation that merely rolls forward the provisions of the approved development plan." I take this to be a reference to the *Nairnshire Local Plan*, adopted in December 2000, and an invocation of paragraph 78 of Circular 1/2009: *Development Planning*. The latter says that I should generally not recommend modifications

to parts of plans that have been rolled forward from previous plans, unless circumstances have clearly changed.

10. In the adopted local plan, part of the Lochloy site that is shown on Map 9 of the proposed *Highland-wide Local Development Plan* coincides with part of site 27(a) in the adopted local plan. Site 27(a) is allocated for construction of 350 houses. The southernmost and easternmost sections of the Lochloy site are within site 22(l) of the adopted plan. Site 22(l) is allocated for tree planting. The northernmost section of the Lochloy site is within site 22(c) of the adopted plan. Site 22(c) is allocated for “open space: a community park based on restoration of the former quarries and provision for public access and facilities.”

11. From the foregoing, I find that, in part, the Lochloy site envisages residential development on land that at present is allocated for tree planting and open space. From this, I find that the Lochloy site is not a simple rolling-forward of an existing provision.

12. I take it that the “minor watercourse” is that which runs near to the north-easternmost part of the Lochloy site, close to Kingsteps. This part of the Lochloy site is outwith the housing allocation in the adopted local plan. The Lochloy allocation is proposing residential development that would be closer to the watercourse.

13. In its response, the Council draws attention to Policy 65: *Flood Risk*.

14. From all of the foregoing, I conclude that the Lochloy section of the proposed plan should contain some reference to possible flood risk and to Policy 65. This may be achieved by a revision of the text of paragraph 14.6.2.

Reporter’s recommendation:

I recommend the following modification:

Delete paragraph 14.6.2 and put instead:

Lochloy is subject to existing planning permissions. A large part of the site is allocated for residential development in the adopted Nairnshire Local Plan. The allocation shown on Map 9 extends the residential area towards a watercourse near the Kingsteps side of the site. Any flooding issue that might arise will be addressed in terms of Policy 65: *Flood Risk*.

Issue 16	Sandown	
Development plan reference:	Policy 16 (Para 14.9, Page 52)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Alastair Noble (76) Scottish Natural Heritage (SNH) (118) Nairn Residents Concern Group (NRCG) (209) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Nairn – Sandown Mixed Use	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • Sandown provides opportunity to demonstrate good local planning. Mixed use development including housing, income generating activities, wetland and tourist centre could provide ideal western boundary to Nairn. (76) • The proposal and policy should be subject to Habitats Regulations Appraisal (118). • Further information should be added to this policy to detail what should be included in the masterplan, reference to the green network both within and linking to the wider green network and to protected species surveys with mitigation plans if necessary. (118) • Any masterplan for Sandown should fulfil all the criteria set out by the Reporter in his Inquiry Decision and be regarded as a benchmark for the Sandown development. (209) • As the Plan does not set out any development criteria, all infrastructure concerns remain valid and must be addressed before commencement of the development. (209) • The Plan cites the constraints as being only one major site i.e. Lochloy and the need for more choice. However, the lands at Sandown (140) and Delnies (300) indicate 450 homes to be built (using NLDP allocations). The NRCG understands from THC that Sandown will have capacity for 350 homes thus increasing development on these 2 sites to 650. (209) • SEPA object to Policy 16, Sandown unless they include a developer requirement that, dependent on the specific location in relation to the minor watercourse, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to within the functional floodplain as defined by Scottish Planning Policy. This is because we consider that there may be a risk of flooding from the watercourse within this allocation. (326) 		
Modifications sought by those submitting representations:		
Addition of further detail to policy on following issues: <ul style="list-style-type: none"> • What should be addressed in masterplan- including criteria set out by the Reporter in the inquiry decision • Linkage to the green network; • Need for protected species surveys and mitigation. • Developer requirement for any development proposal to be subject to a flood risk assessment 		
Summary of responses (including reasons) by planning authority:		
<u>Rationale for Allocation</u> The land at Sandown benefits from an allocation for a mix of housing, business, community and open space uses in the adopted Nairnshire Local Plan 2000 – Written Statement page 29, 33 , 35, 37, Inset Map1 Nairn. It is also supported through the A96 Growth Corridor Development Framework as		

an integral part of the Nairn Spatial Strategy.

An application 07/00188/OUTNA was submitted in 2007 for the development of 550 houses at Sandown. This application was refused and then appealed and subject to a Public Local Inquiry - [PPA-270-632 \(Planning Permission Appeal\)](#). The outcome of the Inquiry was refusal. The reporter findings concluded:

- the proposal did not comply with the development plan;
- the extent to which the plan has become out of date requires greater weight to be placed on other material considerations;
- the scale of development applied for would be excessive for this prominent location and would constitute overdevelopment;
- the likely effect on the character and appearance of the area of the density of development, building heights, reduced structural landscaping, etc as illustrated in the masterplan would be adverse;
- the proposal departs significantly from the visions for Sandown expressed in the Draft Sandown Development Brief, the A96 Growth Corridor Framework, and the Highland Wide Local Development Plan Main Issues Report;
- there is no basis for imposing a supposed government standard deriving from national policy; and
- whilst various aspects of the scheme would be advantageous for the area, including the potential for early provision of housing, and especially affordable housing, they do not outweigh the shortcomings identified above.

The reporter was however satisfied that:

- there would be no adverse effect on the free flow of traffic on the A96(T) road;
- and
- the proposal should not be rejected for reasons relating to town centre infrastructure, rat running, education, health, or other factors raised by objectors.

Sandown Development Brief

- Given the outcome of the Public Local Inquiry, there is now the opportunity to refocus attention on what will be an acceptable level of development on this land, and ensure that the Sandown site is brought forward with clear links and shared infrastructure provision with the adjacent Delnies site.
- The Sandown site in Nairn remains a very important development opportunity for housing and other mixed uses and has been identified as having this potential for a number of years. At the Highland Council meeting on 16th December 2010 a commitment was made to prepare a new development brief, following the refusal of planning permission, subsequent dismissal of the appeal and resiling of the missives with Deveron Homes.
- The updated Local Development Plan context as set out in the Highland wide Local Development Plan – Proposed Plan states that “the Council will support development at Sandown in the short term subject to a suitable developer masterplan which addresses issues including: housing density; phasing, and; an access solution that provides unfettered links to the Delnies development area to the west and shared arrangements wherever possible”.
- It is proposed to adopt a very proactive approach to community and stakeholder engagement in the preparation of the new development brief. An open workshop will be held in May 2011 to begin the process so that a fresh assessment of the issues and development potential of the site is undertaken. This workshop will investigate the key characteristics of the site, the planning history, the opportunity for the community wetland park and the relationship with the surrounding proposals at Delnies and seek agreement on the fundamental objectives of the design work.
- Work on the development brief will progress over the course of Summer 2011, with regular reports being given to the local members and community groups through the Ward Forum meetings. A draft brief will be prepared for a PED Committee meeting later in the year. This will then be followed by further public and stakeholder consultation with adoption of the development brief as Supplementary Guidance taking place before the end of 2011.
- It is intended that the Development Brief will be integrated into the Inner Moray Firth Local Development Plan.

Housing Numbers

- Housing numbers and density will be addressed in the Development Brief. The capacity given in the HWLDP is indicative based on an assessment of further site detail. Overall housing numbers in Nairn is addressed separately in [Issue 86 Housing](#).

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Flood risk*

1. Representation 326 says that there is a watercourse nearby and the site is partly within an area where flooding may occur. Dependent on specific location within the site, development proposals should be subject to an assessment of flood risk. There should be no development on any area found to be within a functional floodplain.
2. I note from the Council's response that it has begun a process that is intended to result in completion of a development brief for the site and that Policy 16 refers to need for a suitable developer masterplan. The policy refers to some of the issues that the masterplan should address. These issues do not include flood risk. Inclusion of flood risk among these issues would adequately meet the concern in the representation, and my conclusion is that the plan should be modified accordingly.

Habitats Regulations Appraisal

3. Scottish Natural Heritage, in its original representation (118), made a number of points. It went on to say that it was awaiting the outcome of the Habitats Regulations Appraisal before coming to a final position.
4. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. Section 8.2 refers to mitigation in the form of changes to policies to ensure no adverse effects on the integrity of Natura sites. In this section, on page 26, one of the entries is Sandown. It is proposed that Policy 16 be amended to read:

The Council will support development at Sandown (as shown on Map 9) in the short term subject to a suitable developer masterplan and a Recreational Access Management Plan which should ensure that there is no adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar site. The masterplan should address issues including: housing density, phasing and an access solution that provides unfettered links to the Delnies development area to the west and shared arrangements wherever possible.

The accompanying comment indicates that it is envisaged that the requirement for a Recreational Access Management Plan will mean that the recreational impacts of the development on the nearby Natura sites are considered and dealt with accordingly.

5. In its letter of 3 October 2011, Scottish Natural Heritage withdraws its representation provided Policy 16 is further amended so that the first sentence reads:

The Council will support development at Sandown (as shown on Map 9) in the short term subject to a suitable development masterplan, to be adopted as supplementary guidance, and a Recreational Access Management Plan which should ensure that there is no adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar site.

6. My conclusion is that the proposed plan should be modified as requested by Scottish Natural Heritage, so that natural heritage interests are properly protected.

Supplementary guidance

7. The preceding conclusion means that supplementary guidance will now be required in association with Policy 16. Representation 324 (summarised under issue 2 of this report) invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which the guidance is to be based. In relation to this, the reporters sought further information from the Council. In a letter dated 14 September 2011, the Council commends the following amendment to Policy 16:

The Council will support development at Sandown (as shown on Map 9) in the short term subject to a suitable development masterplan, to be adopted as supplementary guidance. The masterplan will need to address issues relating to the successful delivery of the site addressing issues relating to design, layout and infrastructure provision.

The Highland Council will prepare a Sandown Development Brief based on the principles of:

- an appropriate housing density including an adequate level of affordable housing provision;
- a co-ordinated phasing strategy;
- a consideration of the location and context of the site; and
- provision of appropriate access solutions, including setting out linkages and shared arrangements to the adjoining land at Delnies.

8. I find that this amendment adequately addresses the concern in representation 324. To ensure clarity, reference to the brief should be incorporated into the supporting text, rather than be included in the policy. My conclusion is that the plan should be modified accordingly.

Content of development and infrastructure

9. Representation 209 says that any masterplan for Sandown must fulfil all criteria set out by the reporters following the appeal. The proposed plan does not set out any development criteria, so all infrastructure concerns remain valid and must be addressed before development is begun.

10. I note that the appeal arose from an application for planning permission for development of 550 houses, business park/tourist facility, community uses, open space/recreation and amenity tree planting at Sandown. The appeal decision (reference P/PPA/270/632) was issued on 14 May 2010. It is concerned primarily with the merits of the particular proposal, rather than seeking to set out general criteria. Main topics addressed by the reporters include density of development, design, employment-generating uses, infrastructure, flood risk, traffic, transport, road traffic noise and ecology.

11. Many of the topics addressed by the reporters are mentioned in the recommendations that arise from the other representations regarding Issue 16. One that is not mentioned is employment-generating uses. I note that business use is one of the components of the Sandown land allocations in the adopted *Nairnshire Local Plan*, and that the proposal that led to the appeal included a business park/tourist facility. At the hearing held on 28 September 2011, the Council's representative drew attention to the fact that allocations in the proposed plan were not solely for residential development but were for mixed use.

12. Provision of employment-generating uses in close proximity to residential development is a pattern of development that can help reduce the need to travel. Reducing need to travel is an important part of national policy, as indicated by paragraph 165 of *Scottish Planning Policy*.

13. My conclusion from the foregoing is that the text relating to Policy 16 should include reference to provision for employment-generating uses at Sandown.

Town boundary and mixed development

14. Representation 76 says that the western boundary of Nairn should be the Sandown development. This in effect is an objection to the Delnies allocation, and is addressed under Issue 17.

15. Representation 76 goes on to say that Sandown is a common-good property. It provides an opportunity for good locality planning. A mixed development of housing, income-generating developments and a wetland tourist based centre could provide the ideal western boundary and gateway to Nairn. As already noted, the allocation in the proposed plan, as shown on Map 9: Nairn, is for mixed use. Modifications to the proposed plan that I am recommending in response to preceding representations will also adequately address concerns in this aspect of representation 76.

Design

16. The Sandown site is located between the western side of Nairn and Delnies. The boundaries of Sandown and Delnies are shown on Map 9: Nairn. Delnies is allocated for development in terms of Policy 17. In my conclusions for Issue 17: Delnies, there is a section headed *Design* in which I consider design aspects of representations 208 and 209. I conclude that designs for development of Delnies and for Sandown should be progressed side-by-side to ensure that there is a harmony of design that enhances the town. Reference to this should be included in Policy 16 and its supporting text.

Reporter’s recommendations:

I recommend the following modifications:

1. Delete paragraph 14.8.1 and put instead:

Development of Sandown in the short to medium-term will be supported. The Council will prepare a Sandown Development Brief based on the principles of:

- an appropriate housing density including an adequate level of affordable housing provision;
- seeking to attract employment-generating uses to the site;
- a co-ordinated phasing strategy;
- consideration of the location and context of the site; and
- provision of appropriate access solutions, including setting out linkages to and shared arrangements with the adjoining land at Delnies.

A detailed masterplan is to be prepared and adopted as supplementary guidance.

The allocation of development to Sandown and the adjoining Delnies site amounts to a major extension of Nairn at one of the main entrances to the town. It is essential that the combined development shows a harmony of design that enhances the town.

2. Delete Policy 16 and put instead:

The Council will support development at Sandown (as shown on Map 9) in the short term. A masterplan will be prepared and adopted as supplementary guidance. A recreational access management plan will also be prepared.

Issues addressed by the masterplan will include:

- site layout;
- design of buildings and open areas;
- housing density;
- provision of affordable housing;
- provision of employment-generating uses;
- phasing;
- flood risk;
- an access solution that provides unfettered links to the Delnies development area to the west and shared arrangements wherever possible;
- infrastructure provision; and
- delivery of the development.

The recreational access management plan will contain provisions that ensure that there is no adverse effect on the integrity of the Inner Moray Firth SPA/Ramsar site.

The design for development of Sandown shall be based on the masterplan and the recreational access management plan. The design for development of Sandown and Delnies shall be progressed side-by-side and shall:

- show an overall coherence, attractiveness and local character;
- be efficient in terms of movement of people and vehicles; and
- enhance the town.

Note: Two more paragraphs are to be added to Policy 16. Please see the recommendations under Issue 92: Nairn.

Issue 17	Delnies	
Development plan reference:	Policy 17 (Para 14.11, Page 52)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Joan Noble (67) Alastair Noble (76) Scottish Natural Heritage (SNH) (118) D and J Piggott (208) Nairn Residents Concern Group (NRCG) (209) Scottish Wildlife Trust (285) Scottish Environment Protection Agency (SEPA) (326) White Young Green for Cawdor Maintenance Trust (325) awdor Farming No.1 Partnership (433)</p>		
Provision of the development plan to which the issue relates:	Delnies	
Planning authority's summary of the representation(s):		
<p><u>Agricultural/Coastal Development</u></p> <ul style="list-style-type: none"> • The Nairn West (Delnies) housing plans contravene much of National Planning Policy: High quality farmland should not be developed, unless there is an over-riding need for it, especially with a future probability of global food shortages. 'Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available.' (SPP 2008) (67) • Delnies should be zoned as farm land and retained undeveloped for coastal protection. The western boundary of Nairn could then become the Sandown development (as set out by THC Convenor at the Sandown enquiry.) This means the current zoning of Delnies for housing will be removed. (76) • The Delnies development lies entirely within the 'Undeveloped category' (Map 6) and therefore there should be no development there unless 'the proposal will have economic and social benefits that outweigh any potentially detrimental impact on the coastal environment and there are no feasible alternative sites within existing settlements or on previously developed land.' Neither of these conditions applies in the Delnies case. (67) • In their summary of Issues and Recommended Responses HC planners claimed that the 'undeveloped coast' category had been 'abandoned'. HC strategy of May 2010 as detailed above shows this is definitely not the case and that they are contravening their own strategy. (67) <p><u>Landscape</u></p> <ul style="list-style-type: none"> • There has to be a very good social and economic reason for development in or affecting Special Landscape Areas, which the Inner Moray Firth certainly is (Map 19); Nairn's signature view approaching from the west (below) will be completely obliterated by the high wall needed to reduce sound levels in the Delnies development, and by the houses themselves. • This first and only road based view of the Firth is worth a huge amount to the tourist industry. (67) <p><u>Infrastructure/Links</u></p> <ul style="list-style-type: none"> • Improved road infrastructure must be a requirement for development here and precede the development taking place. (208) • The role of communities in the A96 corridor in the delivery of the Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy 		

(58). Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access.

(285)

- All infrastructure concerns remain valid and must be addressed before commencement of the development. (209)

Details of policy

- The proposal and policy should be subject to Habitats Regulations Appraisal (118).
- Bullet point 3 of the policy to be strengthened by re-wording as "...through satisfactory relationship of development with nearby designated areas through approval of an access management plan. (118)
- The request to connect Sandown and Delnies developments through linkages would logically require a harmonised design/architecture of Nairn's gateway entrance via the A96 (209).
- We would not specifically object to the proposed allocation of development at Nairn South (Policy 18), we do however suggest that Delnies is much more suitable for long term growth, particularly in the absence of a bypass around Nairn. Given as yet unidentified potential improvements required for significant growth at Nairn South, and the lack of any certainty as to whether these are commercially or physically feasible, there is currently a risk that there may be a lack of development land in Nairn in the long term. There is no certainty that the new towns proposed at Tornagrain and Whiteness will be viable either. If only one of these developments does not proceed for any one of a multitude of potential reasons, this would potentially threaten the Council's long-term strategy for, and ability to cope with, growth within the Inner Moray Firth area (433)
- To protect opportunity for long term growth within the Inner Moray Firth area and to protect the sustainable growth of Nairn, an allocation of the land identified within the Council's A96 Growth Corridor Development Framework for long term development should be made within the HWLDP. If the Council is not persuaded to do this, this land should at least be provided with 'strategic reserve land' status for the reasons given (433)

Support

- SEPA support this policy (326).
- Welcome and fully support the inclusion of land at Delnies for proposed development, the Delnies area is not the best land we farm and is in an entirely appropriate location for the expansion of Nairn which we believe is necessary for the long term sustainability of business and commerce within the town (433)
- We would argue that Delnies, and in particular the wider area identified in the Highland Council's A96 Growth Corridor Development Framework, is very well placed to serve the long term growth of Nairn beyond 2021 being adjacent to the A96 Trunk road and with easy access to the services of Nairn. We wish the allocation within the aforementioned Framework to be incorporated into the HWLDP in full. (433)
- Wholly supportive of the allocation of 300no. houses for the period 2011 -2016 (140no. houses) and 2016- 2021 (160no. houses) as articulated in Table 3 on Page 50 of the Plan for Delnies. (325-2)

Cawdor Maintenance Trust – Landowner

- Enclosed is a Concept Masterplan July 2010, which is currently the subject of an extant application for 'planning permission in principle' for mixed-use development including 300no.houses (PA reference no. 08/0080/OUTNA). It is anticipated that the application will be positively determined in January 2011. The Planning, Environment and Development Committee on 11 August, 2010, agreed that the planning application at Delnies could be progressed in accordance with the guidance set out in the Proposed Plan (i .e. Policy 17) in the period before the Examination in Public. The land at Delnies is also allocated for mixed-use development including 2,100no.houses in the A96 Growth Corridor Development Framework approved as non-statutory Supplementary Planning Guidance in September 2007 by the Highland Council.
- Wholly supportive of the allocation of 300no.houses for the period 2011 -2016 (140no. houses) and 2016- 2021 (160 no. houses) as articulated in Table 3 on Page 50 of the Plan for Delnies.

- There is no objection in principle to the criteria in Policy 17 the need to phase development in a co-ordinated way with the adjoining Sandown site. Many of the criteria listed have already been addressed in the extant planning application and accompanying documents. A specific access strategy off the A96 Trunk Road has been agreed with Transport Scotland and Highland Council Transportation officials to allow for an appropriate access/egress into the Delnies land and associated links with the adjoining Sandown site.
- The Cawdor Maintenance Trust have no objection to the 300no. house allocation for Delnies for the period 2011-2020 as articulated in Policy 17 and Table 3. However, they object to the Plan's absence of a housing allocation for Delnies for the period 2021-2031 in Table 3.
- No objections in principle to the allocation of housing for Nairn South. It is however noted Paragraph 14.2 -suggests that Nairn South may have the potential to serve much of the longer term housing requirements for Nairn. The word 'may' suggests there are doubts about Nairn South's ability to deliver in the long term. Similarly, Paragraph 14.12.1, would also suggest that implementation of the necessary improvements required to deliver housing in the short term are not 'clear cut'. Presumably the improvements are those referred to under Transport in Policy 18, which also states that the scale of any development which can proceed at Nairn South without the bypass will depend on the adequacy of these improvements. Given detailed discussions on transportation matters in Nairn to date with Transport Scotland and Highland Council Transportation officials, it is our understanding it is extremely unlikely that the 600no. unit longer term 2021-2031 allocation for Nairn South could be realised without a bypass. Although the longer term capacity of Delnies is likely to be affected by the need for a bypass, it is in a much better position than Nairn South to deliver housing in the Short and medium terms given that it has an agreed access strategy with Transport Scotland and the Highland Council's Transportation Department which can be implemented now. Delnies is also not affected by the potential flood risk issues which prevail at Nairn South, which could seriously impact on its ability to deliver the level of housing expected.
- Would argue that Delnies, is less constrained than Nairn South and, has a similar 'growth' status in the A96 Development Framework document so it makes sense to allocate additional housing to Delnies for the 2021-2031 period in order to allow for continuity and to 'build' upon the momentum created by the initial phases of the 300no. units. In seeking to promote Delnies for additional housing in the longer term, one must also question whether the proposed allocations provide the necessary quantum of development that will be a pre-requisite for the Nairn bypass to be delivered if the Highland Council are successful in securing some future Central Government funding as part of a Public/Private Partnership, which must be the only feasible mechanism of delivering a bypass for Nairn.
- Paragraph 14.2 - Page 50, refers to short term development in Nairn focusing *inter alia*, on the "*initial phases at Delnies*". This would suggest further phases of development in the medium and longer term at Delnies. This would be consistent with the approach taken for Nairn South and the growth strategy for Delnies articulated in the A96 Development Framework yet, as previously stated, there are no allocations for the period 2021 - 2031 in Table 3, Page 50. This must surely be an irregularity given the comments above.
- If no allocation is to be given to Delnies in the medium and longer terms, the wider landholding as per the Site Plan attached, should be given the status of 'strategic reserve land" for development to come forward in the event of Nairn South or Tornagrain or Whiteness failing to deliver the appropriate level of housing to meet the Plan's requirements and, the longer term growth strategy for the A96 Corridor.
- Query the difference between an Access Management Plan and a Recreation Access Management Plan articulated as requirements under the heading of Natural, Cultural and Built Heritage - Page 53. The Plan's Glossary of Terms at Appendix 6.1, Page 129 provides no distinction.

Original representations from White Young Green for Cawdor Maintenance Trust (325) and the Cawdor Farming No.1 Partnership (433) contained objection to the reservation of land for a Primary School, these have subsequently been withdrawn in letter dated 5 April 2011 (325) and by email of 27 April 2011 (433).

Modifications sought by those submitting representations:Agricultural/Coastal Development

- Delnies to remain undeveloped and to be zoned as farm land and retained undeveloped for coastal protection
- Removal of the Delnies allocation and the settlement boundary to the west of Nairn to be drawn along the edge of the potential Sandown development.

Landscape

- Limit/No development to protect SLA and Nairn's signature views. (assumed)

Infrastructure/Links

- Developer requirement for Road infrastructure improvements preceding development
- Address infrastructure concerns
- Requirement for open spaces and green networks to be designed so that they are good for people and wildlife, safe guarded to be linked to the green network to allow access.

Details of policy

- Requirement to be subject to Habitats Regulations Appraisal
- Bullet point 3 of the policy to be strengthened by re-wording as "...through satisfactory relationship of development with nearby designated areas through approval of an access management plan."
- The requirement to connect Sandown and Delnies developments through linkages with a harmonised design/architecture of Nairn's gateway entrance via the A96
- Expansion of area for long term growth, if the council is not persuaded to do this then the land to be provided with "strategic reserve area"

Cawdor Maintenance Trust (Landowner)

- Expansion of further housing allocation for the period 2021-2031.
- if the council is not persuaded to do this then the land to be provided with "strategic reserve area"
- Addition of explanation between an Access Management Plan and a Recreation Access Management Plan

Summary of responses (including reasons) by planning authority:Rationale for Allocation

- The land at Delnies benefits, in part, from an allocation for development of a golf course, associated landscaping and hotel in the adopted Nairnshire Local Plan 2000 (various pages). It is also supported through the A96 Growth Corridor Development Framework as an integral part of the Nairn Spatial Strategy.
- The National Planning Framework 2 identifies the A96 Corridor 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 Delnies is therefore consistent with Scottish Government's national spatial strategy for long term development to deliver increased sustainable economic growth.
- The site is within single ownership and therefore the land should (other things being equal) be easier to assemble; with genuine landowner desire to be developed. This is demonstrated by the extant application [08/00080/OUTNA](#) - 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 land at Delnies (as indicated on Map 9) is supported by the council as a means of meeting housing demands in Nairn over the period 2011-2021. The overall development of the site will be restricted to 300 houses. The delivery of the site must be phased in a co-

ordinated way with the Sandown site to ensure an effective approach to planning at the west end of Nairn. The proposed plan sets out the developer requirements (page 52-53).

- At Planning Environment and Development Committee In August 2010 the council's position was agreed - that all proposals in the A96 corridor which had a measure of adopted LocalPlan support (in full or in part) could be determined in advance of the Local Development Plan Examination in line with updated guidance in the Proposed Plan. This remains the Councils position.

Agricultural/Coastal Development

- Representors have expressed concern over coastal development and development on agricultural land. The council's position on coastal development is dealt with in detail in a separate Schedule 4 - [Policy 50 – Coastal Development](#).
- 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 document. This states that development on prime agricultural land will be acceptable where it is an essential component of the settlement strategy. Delnies is an essential component of the A96 Corridor Growth Strategy and required to meet the housing demand within the Inner Moray Firth area. It is fundamental to the strategy allowing a greater choice, location and type of housing in Nairn, helping significantly reduce development pressures on other areas. There is not enough brownfield land to develop for the housing needs that are required, and therefore it is inevitable that Greenfield sites will be used.

Landscape

- The council acknowledges the importance of Delnies as the western approach to Nairn. The council have made it clear that links with neighbouring Sandown is a fundamental requirement. Given the outcome of the Public Local Inquiry, there is now the opportunity to ensure Sandown is brought forward with clear links and shared infrastructure provision with the adjacent sites. The revised preliminary masterplan [08/00080/OUTNA](#) (WYG 2009) for Delnies provides links, and greater connectivity with the adjacent zoned housing land at Sandown.
 - The developer requirements for Delnies states that the delivery of the site must be phased in a co-ordinated way to ensure an effective approach to planning at the western edge of Nairn.
 - The subject of SLA's is covered with [Policy 58 Natural, Built and Cultural Heritage](#).

Infrastructure

- The Council acknowledges such a significant development will undoubtedly have an impact on roads, in particular the A96 Trunk Road. For this reason developer requirements have been outlined in the Plan aiming to ensure the initial phases of development can go ahead.
- These include satisfactory means of access from the A96 Trunk Road, ideally utilising a shared access with any development brought forward on the Sandown site; improvement to local road infrastructure through effective linkages to development in the east and contributions towards strategic road infrastructure

Longer term expansion of Delnies

- With regard to longer term expansion of Delnies to the West, it is acknowledged that Delnies may have potential longer term but in light of the current need and demands assessment for the next 20 years, wider infrastructure requirements and community concerns over development to the west at mains issues stage, the council is minded not to change its position. It should be noted that the A96 Corridor Framework remains in place as non-statutory supplementary guidance, and later phases of development will be viewed in this context.

Policy Text Change

- The council confirm the two access plans queried by Cawdor Maintenance Trust should be covered by a single "*Recreational Management Plan*". This text change is commended to the reporter and a definition will be included in the glossary.

Any further plan changes commended by the planning authority:

Commend minor text change to ensure consistency. Removal of requirement for *approval of an Access Management Plan and Recreation Access Management Plan* and replacement with one single "*Recreational Management Plan*". (Page 53)

Reporter's conclusions:*The principle of development*

1. Representation 76 says that Delnies should be zoned as farmland within the "undeveloped coast." Representation 67 also questions the appropriateness of development at Delnies, referring to loss of high-quality farmland and detrimental landscape effect.
2. In response, points made by the Council include the following:
 - Land at Delnies benefits in part from allocations in the adopted local plan.
 - Development is supported through the *A96 Growth Corridor Development Framework*.
 - Development is consistent with the *National Planning Framework for Scotland 2*.
 - The site is in single ownership with landowner desire for development.
 - Development will meet housing demands in Nairn in the period from 2011 to 2021.
3. I shall consider the points made by the Council, then the points in the representations.

Adopted local plan

4. In the adopted *Nairnshire Local Plan*, I note that most of the Delnies site is within the area covered by Inset 1: Nairn. This inset map designates land within the north and east sides of Delnies with reference 27(b). This reference also applies to other land in the adjacent Sandown site and to a parcel of land to the south of Sandown, on the other side of A96, at Tradespark. The text of the adopted plan (on page 37) describes 27(b) as "15.4 ha at Sandown-Tradespark – 140 houses – short medium term."
5. Outwith the 27(b) designation, the rest of Delnies, so far as it is within the inset map, is referenced 22(g) and 22(j). The 22(g) text refers to "a golf course including clubhouse." 22(j) refers to "tree planting" (page 35). Within the southern part of Delnies, a belt of land adjacent to A96 and roughly 140 metres wide is designated ENV 3. The related policy (page 17) says "the Council will presume against development particularly where there would be significant damage to heritage, amenity or public health."
6. From the above, I find that a small part of Delnies is identified for residential development in the present adopted plan. By far the larger part of the site is envisaged as remaining outside the built-up area. My conclusion is that the adopted plan gives little or no support to the Delnies development now being put forward in the proposed plan, but this does not prevent reappraisal of the site in the light of present-day circumstances.

The A96 Growth Corridor Development Framework

7. The *A96 Growth Corridor Development Framework* covers a period of 35 years (Summary page, "The vision"). Pages 17 and 18 set out "Nairn Development Framework." Over 4,600 new dwellings are envisaged at Nairn. A large proportion of the proposed housing land is located along the north side of A96, westwards from Sandown to Wester Delnies. The southern part of the Delnies site is shown for housing, as is a much greater area to the west. This greater area is not allocated for development in the proposed *Highland-wide Local Development Plan*.
8. I find that the *A96 Growth Corridor Development Framework* provides a basis for considering new residential growth on a significant scale at Nairn. Regarding western expansion of Nairn, the location of such growth as set out in the *Framework* differs considerably from what is proposed in the *Highland-wide Local Development Plan*. My conclusion is that in principle the *Framework* gives some support to development in the Delnies area, but not to the particular configuration of development land shown in the proposed plan.

National Planning Framework for Scotland 2

9. The *National Planning Framework for Scotland 2*, at paragraph 58, refers to the Inverness to Nairn corridor as one of a number of “key locations which have been identified as offering substantial strategic growth potential.” Paragraph 214 also refers to the corridor and, among other things, mentions “significant expansion to the East of Inverness and at Nairn.”

10. I conclude that the *National Planning Framework for Scotland 2* supports new development at Nairn, but not necessarily at Delnies.

Site ownership

11. Regarding site ownership, representation 325 indicates that Delnies is owned by Cawdor Maintenance Trust and that the Trust has submitted an application for planning permission for a “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” (application 08/00080/OUTNA). The proposed residential component is within the Delnies site. The other components are on an extensive area of adjacent land to the west.

12. I find that, taken on its own, Delnies is in single ownership and that there is no problem of site assembly.

13. Impinging on the above finding is representation 209. It contends that there should be a harmonised design for Delnies and Sandown. It refers to Nairn’s gateway entrance via the A96.

14. I find that Delnies is immediately adjacent to the Sandown allocation shown on Map 9 of the proposed plan. Together these form a large site astride the western entrance to Nairn. If both allocations are to be implemented, I find that, to address representation 209 satisfactorily, there must be a design concept that embraces both sites to ensure that the combined development has coherence, attractiveness, local character and efficiency in keeping with the importance of an extension to the town that is both large and possibly very prominent.

15. My conclusion is that single ownership of Delnies by a willing developer is advantageous, but this advantage is not especially significant given the need to ensure that any development on Delnies is integrated with development on the separately-owned adjacent Sandown site.

Housing demands

16. In the proposed plan, table 3 (page 50) gives a need for land for 1,593 new dwellings in the Nairn Housing Market Area during the period from 2011 to 2021. This number of dwellings is said to derive from the *Housing Need and Demand Assessment*. This need is given consideration in the Council’s response to Issue 86: Population and Housing Land Requirement. A calculation based on historical completion rates plus allowances for flexibility and backlog gives a total of 1,370 new dwellings. The Council’s conclusion is that this bears comparison with land for 1,593 dwellings in table 3.

17. I find that:

- the amount of new housing proposed for Nairn Housing Market Area in the period from 2011 to 2021 is reasonably in keeping with estimates of need;
- the current economic climate has reduced development activity, and this might point to a lesser amount of land being adequate for new housing in the 2011 to 2021 period; and
- identification, in the *National Planning Framework for Scotland 2*, of Nairn and the corridor between it and Inverness as a location for “significant expansion” suggests that more housing land than is required to meet purely local needs might be appropriately identified.

Taking these findings together, my conclusion is that the representations do not justify revision of the amount of land that the proposed plan identifies for development in the period from 2011 to 2021, this being the period within which development at Delnies is to take place.

Coastal development

18. Representation 67 contains a section headed “Coastal Development.” The Council assigned this section to Issue 50, but it is more properly considered here.

19. Representation 67 refers to the Council’s *Highland Coastal Development Strategy* (May 2010). It is contended that Delnies is within the “undeveloped” category of coastal land (as shown by Map 6 in Appendix 4). Delnies should not be developed unless there are social and economic benefits that outweigh any potentially detrimental impact on the coastal environment and there are no feasible alternative sites within existing settlements or on previously-developed land. Representation 76 seeks retention of Delnies as undeveloped coast.

20. In response, the Council says that Government policy has abandoned the “undeveloped” category in coastal classification. As indicated in *Scottish Planning Policy*, this leaves “isolated” coast as the category where there is expected to be a presumption against development. Delnies is within the undeveloped coastline. The now-replaced National Planning Policy Guideline 13 did not rule out development on undeveloped coastline: it ensured that development would be appropriate and that other options were assessed. The coastal classification element of the *Highland Coastal Development Strategy* was carried out prior to replacement of National Planning Policy Guideline 13, but the *Strategy* does not attempt to introduce policy as per National Planning Policy Guideline 13 as this has been superseded by *Scottish Planning Policy*.

21. I note that representation 67 is based in part on the bullet points in paragraph 23 of the now-superseded National Planning Policy Guideline 13: *Coastal Planning*. Also worthy of note in the same document is paragraph 22, which refers to the smaller towns and villages that can be found along the coast and which says that it is important that their development requirements are fully addressed.

22. I note that *Scottish Planning Policy* says that areas which are unsuitable for development will include the isolated coast (paragraph 102). It does not indicate a general presumption against development in undeveloped coast.

23. I note that the onshore portion of the coastal zone is the land area within one kilometre of the coastline (*Highland Coastal Development Strategy*, paragraph 1.1.1). Thus the coastal zone in the vicinity of Delnies, and as depicted on Map 6 of the *Strategy*, extends from the coastline to the A96. Most of Delnies is in the landward half of the coastal zone, being 500 metres or more from the shore. The northern salient of Delnies extends to a point about 300 metres from the coastline.

24. Between Delnies and the coastline, most of the land is occupied by part of the Nairn Golf Club golf course. In this vicinity, there are three groups of built developments – Easter Delnies farm steading, a golf course maintenance building, and a large, disused hotel with adjacent houses.

25. The “Concept Masterplan” (drawing A031992 SK(--))0002 Rev Q July 2010) associated with planning application 08/00080/OUTNA designates the northern salient (and other ground to the west) as “land safeguarded for possible future expansion of Nairn Golf Club.”

26. My findings from the foregoing are as follows:

- the now-superseded National Planning Policy Guideline 13 indicated that development in undeveloped coast might be appropriate if necessary to meet requirements of existing communities;
- *Scottish Planning Policy* does not advise against permitting development in undeveloped coast;
- built development at Delnies could be largely confined to ground 500 metres or more from the coastline; and
- although correctly classified as “undeveloped”, the appearance of the coastal zone in the vicinity of Delnies is influenced by existing buildings and the presence of the golf course.

From these findings, I conclude that coastal planning policy and local circumstances do not necessarily rule out development at Delnies.

Agricultural land

27. Representation 67 says that *Scottish Planning Policy* contains a presumption against development on high-quality farmland. In response, the Council says that development at Delnies is an essential component of the A96 Corridor Growth Strategy and is required to meet housing demand in the Inner Moray Firth Area.

28. I note that paragraph 97 of *Scottish Planning Policy* includes the following.

Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available.

29. I have already concluded that the representations do not justify revision of the amount of land that the proposed plan identifies for development in the Nairn Housing Market Area for the period from 2011 to 2021. I find that the further 600 dwellings proposed for Nairn in the period from 2021 to 2031 envisages a reasonable rate of ongoing development in the context of meeting local needs and facilitating growth in the Inverness to Nairn corridor.

30. I note that, in the centre of Nairn, some brownfield land is available for provision of new dwellings. I find that this brownfield development, while meriting fullest possible support, would be on a relatively limited scale and would not justify reducing the allocations of greenfield land.

31. Apart from Delnies and the adjacent Sandown site, the one other proposed new allocation to permit expansion of Nairn is at Nairn South. This latter allocation is also subject to representations on the ground of loss of good-quality agricultural land.

32. I find that:

- the scale of the proposed land allocations for residential and associated development at Nairn are justified by requirements to meet need and to facilitate the growth strategy for the Inverness to Nairn corridor; and
- evidence does not show that, if Delnies were to be excluded from the allocations, a suitable alternative site of lesser agricultural quality could be found to replace Delnies.

33. My conclusion is that deletion of the Delnies allocation is not justified on grounds of loss of agricultural land.

Landscape

34. Representation 67 says that there has to be a very good reason for development in or affecting Special Landscape Areas, which the Inner Moray Firth certainly is, as evidenced by Map 19 in the Council's *Assessment of Highland Special Landscape Areas*. The signature view across the Moray Firth, seen from the A96 approach to Nairn, is of huge value to the tourist industry. It would be obliterated. Representation 76 cites visual impact as a reason for not developing Delnies.

35. In response, the Council acknowledges the importance of Delnies as the western approach to Nairn. The Council refers to there being links with Sandown, to ensuring an effective approach to planning at the western edge of Nairn and to Policy 58, which embraces Special Landscape Areas.

36. From my reading of Map 19 in the *Assessment*, I find that Delnies is not within the area designated as the "Cromarty Sutors, Rosemarkie and Fort George Special Landscape Area." Delnies is about one kilometre east of the eastern edge of the designated area. The *Assessment* (page 112) says that the main scenic interest of the designated area is the visual interplay of land and sea at the two distinctive gateways to the Inverness and Cromarty Firths. From this and from my reading of the whole of section 19 of the *Assessment*, I find that development at Delnies need not necessarily have an adverse effect on the features of the nearby special landscape area that designation is intended to protect.

37. Although Delnies is not within the special landscape area, it and its immediate surroundings have considerable attractions in landscape terms. From the inspections that I have carried out, I find

that Nairn is set within a landscape of considerable quality. Expansion of the built-up area in any direction is likely to involve use of land that has amenity value in terms of its appearance.

38. I note the concern that a signature view across the Moray Firth would be lost. I agree that this view adds a distinctive character to the landscape on the west side of the town. At present, the view is apparent from a relatively short section of the A96, and I am not convinced that its loss would have any significant effect on Nairn's tourist trade.

39. My conclusion is that landscape effects do not justify deletion of the proposed Delnies allocation.

Habitats Regulations Appraisal

40. In representation 118, Scottish Natural Heritage says that Delnies should be assessed as part of the Habitats Regulations Appraisal of the proposed plan. In addition, SNH recommends strengthening of the third "natural heritage" bullet point in Policy 17, for example by use of the following wording:

.....through satisfactory relationship of development with nearby designated areas and approval of an Access Management Plan.

Scottish Natural Heritage goes on to say that it is awaiting the outcome of the Habitats Regulations Appraisal before coming to a final position.

41. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. Section 8.2 refers to impacts and mitigation in the form of changes to policies to ensure no adverse effects on the integrity of Natura sites. In this section, on page 27, one of the entries is Delnies. It is proposed that, in Policy 17, the third bullet point under "Natural, Cultural & Built Heritage" be amended to read:

Protection of the nearby Inner Moray Firth SPA/Ramsar and Whiteness Head SSSI, including through the approval of a Recreational Access Management Plan;

42. In its letter of 3 October 2011, Scottish Natural Heritage withdraws its representation on the basis that the *Highland-wide Local Development Plan* will be amended in accordance with the *Habitats Regulations Appraisal*.

43. I find that development at Delnies could have some adverse effect on the nearby areas that are designated for their natural history interest and that this would be adequately addressed by the proposed rewording.

Road and other infrastructure

44. Representation 208 says improved road infrastructure must be a pre-condition of development and must precede development. Representation 209 says all infrastructure concerns must be addressed before commencement of development.

45. In response, the Council refers to developer requirements contained in the proposed plan. These include satisfactory access from the A96, linkages to development in the east and contributions towards strategic road infrastructure.

46. I note that the matters to which the Council draw attention are found in Policy 17 under the heading "Transport." I find that this section of the policy provides an adequate basis for requiring the provisions that are described in representation 208.

47. I note that Policy 17 also sets out requirements in relation to other kinds of infrastructure, including public transport, green networks, education, water supply and water disposal. These other requirements satisfactorily address the concern in representation 209.

48. In response to these representations, my conclusion is that Policy 17 need not be modified.

Design

49. Representation 208 says that development should be in keeping with the character of the town in order to enhance the settlement. Representation 209 says that the request to connect the Sandown and Delnies developments through linkages would logically require a harmonised design/architecture of Nairn's gateway entrance via the A96.

50. In response, the Council acknowledges the importance of Delnies as the western approach to Nairn. Linking with Sandown is a fundamental requirement. There is opportunity for Sandown to be brought forward with clear links and infrastructure shared with adjacent sites. The preliminary masterplan for Delnies provides links and connectivity with Sandown. Policy 17 requires co-ordinated phasing.

51. I note from paragraph 8 of *Scottish Planning Policy* that a core principle of the planning system is a clear focus on quality of outcomes, with due attention given to, among other things, good design. This is carried through to paragraph 78 which refers to the Government's objectives of creating successful places and achieving quality residential environments. The aim should be to create places with a distinct character and identity, promoting a well-integrated mix of land uses. Development plans should encourage and enable this.

52. From this, and in line with my findings under the subheading *Site ownership*, above, I find that, to address representation 209 satisfactorily, there must be a design concept that embraces both Delnies and Sandown to ensure that the combined development has coherence, attractiveness, local character and efficiency in keeping with the importance of a town extension that is both large and possibly very prominent.

53. I note the content of the "Concept Masterplan" (drawing A031992 SK(--))0002 Rev Q July 2010) associated with planning application 08/00080/OUTNA. Features shown on the plan include "potential links to proposed development at Sandown" and options for access to A96, including provision of a roundabout. A layout design for housing and other uses is shown for the Delnies site. Possible layouts for a golf course, club house and hotel at Hilton of Delnies and for an equestrian centre and country park at Wester Delnies are also shown. What is striking is the "blank" on the plan with regard to the Sandown site, development of which provides the essential connection between Delnies and the existing town.

54. If development on both Delnies and Sandown is to proceed, success in joining Delnies satisfactorily to the rest of the town depends on its layout taking full account of the layout that eventually emerges from the development brief that is being prepared for Sandown. Otherwise, the enhancement sought in representation 208 and the harmonised design sought in representation 209 are unlikely to be achieved. Achievement of these outcomes accords with important aspects of *Scottish Planning Policy*, noted above.

55. My conclusion is that development of Delnies should not proceed until the Sandown development brief that is under preparation has been completed. Thereafter, designs for development of Delnies and for Sandown should be progressed side-by-side to ensure that there is a harmony of design that enhances the town. These requirements should be set out in Policy 17.

56. The above conclusion has implications for development at Sandown. Policy 16: Sandown should make reference to these implications. This is addressed by recommendations under Issue 16.

Green networks and open spaces

57. In Policy 17, the developer requirements include items listed under *Green Networks & Open Space* and items listed under *Natural, Cultural & Built Heritage*. Representation 285 says that these should be linked, and high-quality green networks and open spaces should be designed to be good for people and wildlife. I find that the policy as it stands gives sufficient scope for achieving the quality of design sought in the representation. My conclusion is that the plan need not be modified in response to this representation.

Development beyond 2021

58. Representation 325 is made on behalf of Cawdor Maintenance Trust, owner of Delnies. It refers to the *A96 Growth Corridor Development Framework*, adopted by the Council in 2007 as supplementary planning guidance. The *Framework* identifies land at Delnies for mixed use, including 2,100 houses. The proposed *Highland-wide Local Development Plan* allocates 300 houses to Delnies for the period 2011 to 2021, but none for the period 2021 to 2031. Nairn South, which is more constrained, has a housing allocation for this later period. There are uncertainties associated with the delivery of houses planned for Tornagrain and Whiteness. Paragraph 14.2 refers to “initial phases” at Delnies, suggesting further phases in the longer term. There should be a housing allocation at Delnies for the period 2021 to 2031. At the least, the Trust’s land should be designated “strategic reserve land for development.” Representation 433 contains similar contentions.

59. In its response, the Council acknowledges that “Delnies may have potential longer term.” In the light of need and demands assessment, infrastructure requirements and community concerns, the Council is minded not to change its position. The *A96 Framework* will remain in place as non-statutory guidance.

60. I make the following findings.

61. The *A96 Growth Corridor Development Framework* provides a basis for encouraging growth at Nairn.

62. The allocations of land for housing that are shown in the *Framework*, particularly at Delnies, are not followed by allocations in the proposed *Highland-wide Local Development Plan*.

63. Thus the *Framework* is not necessarily a guide as to which individual parcels of land in and around Nairn should be identified in the proposed plan for new housing.

64. On the basis that all other allocations in the proposed plan are developed as envisaged, there is no requirement to identify more housing land at Delnies.

65. The Council does not rule out the possibility that there may be more housing development at Delnies in the longer term.

66. More housing development at Delnies might be justified if other allocations in the proposed plan are not developed as envisaged, if this results in a shortage of land for housing and if Delnies can be shown to be the best location for meeting the shortage, taking account of the infrastructure requirements and community concerns mentioned by the Council.

67. The western edge of the proposed Delnies site, as shown on Map 9: Nairn on page 51 of the proposed plan, is some three kilometres from the town centre. In considering any proposals for development beyond this edge, careful attention would have to be given to matters such as accessibility to the rest of the town and effect on the compactness of the built-up area of the town.

68. From these findings, I reach the following conclusions.

69. It is by no means certain that there should be any additional housing development at Delnies in the foreseeable future. Nevertheless, there is a possibility that additional housing might, at some stage, be seen as acceptable.

70. This possibility, bearing in mind my finding regarding accessibility to the rest of the town, indicates that layout of the Delnies and Sandown sites shown on Map 9 should allow for a further westwards extension of the built-up area. If this is not done, it may be difficult, if not impossible, for any such extension to be joined satisfactorily to the rest of the town.

71. The proposed plan should not contain a commitment to permitting a westwards extension, but, to preserve that option, it should require that the possibility of an extension be taken into account in the layout design for Delnies.

Access plans

72. Policy 17, under the heading *Natural, Cultural & Built Heritage*, refers to an “Access Management Plan” and to a “Recreation Access Management Plan.” Representation 325 queries what difference there is between these two plans: the Glossary provides no help. The Council says that there should be reference to only one plan, and that the policy should be altered accordingly. I find that this alteration would remove confusion and should be made.

Reporter’s recommendations:

I recommend the following modifications:

1. In Policy 17, after “Development will be subject to the following requirements:” insert:

Harmony with Sandown

Development of Delnies shall not proceed until a development brief for Sandown has been completed. Thereafter, designs for development of Delnies and for Sandown shall be progressed side-by-side and shall:

- show an overall coherence, attractiveness and local character;
- be efficient in terms of movement of people and vehicles; and
- enhance the town.

Westward extension

This policy contains no commitment to built development on land to the west of the Delnies site shown on Plan 9. The possibility of such development cannot be ruled out and should be taken into account in design for development of Delnies.

2. In Policy 17, the third bullet point under “Natural, Cultural & Built Heritage” should be deleted and replaced with:

Protection of the nearby Inner Moray Firth SPA/Ramsar and Whiteness Head SSSI, including through the approval of a Recreational Access Management Plan;

3. In Policy 17, the fourth bullet point under “Natural, Cultural & Built Heritage” should be deleted.

Note: A further modification to Policy 17 is recommended under Issue 92: Nairn.

Issue 18	Nairn South	
Development plan reference:	Policy 18 (Para 14.3, Page 54)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Alastair Noble (76) Nairn Suburban Community Council (94) Scottish Natural Heritage (SNH) (118) GH Johnston Building Consultants Ltd for John Gordon & Son Ltd (126) D and J Piggott (208) Nairn Residents Concern Group (NRCG) (209) Muir Smith Evans for Mr C Allenby (220) Scottish Wildlife Trust (285) Scottish Environment Protection Agency (SEPA) (326) EMAC for Barratt, Robertson & Scotia Homes (333)	J D & Mrs A J Flett (366) Mr M J Lawlor (370) Mrs V Lawlor (371) Sheena and William Welsh (380) Jean MacDonald (381) Mr M R Harrison (383) Mr G & Mrs E Clark (384) Mrs Eleanor Murray (391) A H Vallance (393) A & P A Seston (499) Ms D Siddall (506) Firhall Village Trust (507) Mr J Chalmers (508) Jane Wood (509)	
Provision of the development plan to which the issue relates:	The development of South Nairn	
Planning authority's summary of the representation(s):		
<p><u>Infrastructure Deficiencies – Transport</u></p> <ul style="list-style-type: none"> ▪ Priority should be given to secure upgrade to A96 and Nairn by-pass to avoid traffic congestion on current road system. (94, 499, 393) ▪ The narrow country roads around south Nairn cannot cope with increase of traffic from the proposed development. (371, 380, 383, 499, 506, 384, 507) ▪ Improved road infrastructure must be a requirement for development here and precede the development taking place. (208) ▪ The impact of increased traffic on the railway bridge on the Cawdor Road is already a traffic hindrance and a potential accident blackspot. Concerns as Network Rail have confirmed that improvements to this bridge do not currently form part of their programme of improvements. (371, 391, 499, 506, 366, 380, 383, 384, 507, 381) ▪ Restrictions caused by the main railway line to and from the proposed development will be too expensive to be resolved by contributions from the developers alone. (370) ▪ Road safety concerns: <ul style="list-style-type: none"> ○ Single narrow pavements dangerous to pedestrians including parents with prams or elderly and disabled people ○ Dangerous junction with the B9091 and the many other junctions either side of the bridge are mentioned as danger points including as far as Rosebank School because the problem is worse during school drop off and pick up times. ○ Essential that the existing problems are dealt with before increased usage is caused by a large housing development. (381) ▪ The creation of access road opposite entrance to Firhall village will create dangerous crossing point for pedestrians and encourage residents of new development to access riverside through Firhall village [causing disturbance to the residents] (380, 499, 507) ▪ The opening of the new hospital on Cawdor Rd has produced a very significant increase in vehicular and pedestrian traffic on the B9090 – this proposal will add further traffic which will add to the problems (366) (381)(508) ▪ Additional traffic will cause parking problems in Nairn town centre, and tourism would also suffer as a result. (380) (381) ▪ An inner relief road for Nairn is not appropriate only a by-pass for Nairn will be sufficient to allow 		

the development of Nairn South. (76)

- Relocate entrance to development either nearer Mill Street or towards Broadley Garden Centre (499)
- A link road between land marked as phases 2 and 3 is essential to establish a link between Balblair Road and Cawdor Road. (220)
- Pedestrian provision around this site and links to the town are not adequate and new development will add pressure to these. (508)
- Proposed link between the Cawdor Road and B9091 would lead to heavy traffic going through residential areas. (508)
- The site access is compromised by the railway line and river crossings, no easy access to the Academy and A96 to Aberdeen without passing through the centre of Nairn. (509)
- Access to A96 (Inverness) by single track road or underpass at the railway bridge at Cawdor Road. (509)
- Access to Nairn already compromised at the railway bridge, post office and Leopold Street with frequent congestion at present. (509)
- Question the availability of funds for major construction of additional rail and river crossings (509)
- Inadequate consideration to local traffic issues, site access to 300 homes without roundabouts on the Cawdor Road. (509)
- The Cawdor Road as it presently exists is unsuitable for any such developments for the following reasons:
 - New Primary Care Centre and Hospital have already imposed significant burdens on this road
 - The hospital is designated as A&E and thus requires full access at all times
 - The Railway Bridge is a bottleneck, which cannot be controlled effectively by traffic lights only.
 - The Sawmill have already indicated in their response to the MIR their intention to have another access point via the new development onto the Cawdor Road
 - As the only road into the Town Centre, a full transport appraisal is essential and clearly a Nairn Bypass should figure largely in such an appraisal (209)
- Objection to not referencing the link road (126)
- Bypass is not possible in the next twenty years; a temporary by-pass is not suitable. A second railway crossing could be constructed. (508)
- Should be no further expansion until bypass, crossings to railway line are improved and realistic infrastructure is put in place (370, 366)

Concerns over negative effects on agricultural land and the environment

- The area earmarked for development is good agricultural land and should be retained as such. (371, 380, 383, 391, 506, 509)
- Incremental loss of habitat/countryside – irreplaceable loss of flora and fauna (391)
- It is stated that development should retain access to the riparian corridor and should protect trees, the policy should be strengthened to include a buffer zone from development along the riparian corridor edge, this does not mean that access to the riparian corridor should be denied. (285)
- Environment/quality of life will be adversely affected (391)
- The proposal and policy should be subject to Habitats Regulations Appraisal taking into consideration the cumulative affect with policy 9 of the plan. (118)
- SEPA support this policy provided the requirements for the developer to undertake a Flood Risk Assessment and to avoid development within the functional floodplain are retained. This is because the areas nearest to the river Nairn are at the edge of the floodplain. (326)

Impact on the Sawmill

- Development will impact on the adjacent Sawmill operations and their wish to expand their business. (371)
- Object to the Plan as it does not fully take account of the adopted Local Plan as it allocates land for expansion of the Sawmill and provides for a link road, and that its provision for a 'buffer' to be provided as part of the allocation is ambiguous (126)
- Believe that land for development at Nairn South should not be committed until appropriate

provision is made within the LDP to accommodate the interests of the Sawmill – the company seeks sufficient land for expansion and separation from neighbouring uses so as not to stymie its operation and their amenity, and it seeks that its transport requirements are fully assimilated with any development at Nairn South. (126)

- The company welcomes the priority given to the Sawmill (126)
- Clarity is required about buffer zones between the Sawmill and the proposed development. If there are to be business units provided the Developer must be required to build these units. It is understood that although business units are shown on the current plans from the developer, their representative has said these will not be built because of experience from other sites. (209)

Concern over Housing/Development

- There is no apparent requirement for dense housing in this area. (371, 507)
- Data on population change is unrealistic for future housing demand as it is both retrospective and does not take account of the changes to the economic situation or proposals for RAF Kinloss and Lossiemouth (370) (380)
- The number of houses being suggested by Scotia Homes exceeds what is in the existing Local Plan for Nairn. Town centre regeneration is necessary and development at Nairn South will have no decent access to the town centre. Additional rail crossings are necessary. Schools, doctor surgeries and utilities are insufficient to cope with development at Nairn South. (393)
- Should reject any planning application for Nairn until all road points have been addressed (370)
- The PP for Nairn South does not show any proposed development at the Railway/Balbair Road for 290 houses; (209)
- With the future developments at Sandown and Delnies (650 houses), questions must be asked about need for development of Nairn South in the period 2016-2021. (209)
- Evidence of demand over and above the existing proposals is required - given that the rationale for this proposal would appear to be the need for housing to accommodate some unspecified increase in population for the Nairn area, Confirmation required that the figure of 250 houses in the 1st phase will be enforced and that any planning conditions imposed will be enforced (366)
- The ever-growing development at Lochloy will surely provide adequate housing for a small town such as Nairn. (380)
- The proposed density of housing in Phase 1 is out of proportion to that in this rural area south of Nairn. (383)
- The housing density of the proposed development is excessive for a rural situation. The style of development more suitable for an urban site but out of character here, as few green areas will be apparent. (509)
- Demand for housing in Nairn will be compromised by the economic situation and closure of local RAF sites. (509)
- The requirement for development of this and other sites in Nairn South in the period 2011-16 is not justified by population projections. (209)
- Future housing should be mixed tenure (391)
- Consideration should be given to existing Local residents, particularly Firhall. (499, 506.507, 508)

Concerns over Jobs and Services

- There are no jobs for the new residents (380, 391)
- There are insufficient public services for the new residents (506)
- Loss of amenity (graffiti, noise, drugs, vandalism) (391)
- Expense of provision of services to a rural situation. (509)
- Clarity is required regarding provision of Water and Sewage. Reports produced for the Sandown Inquiry indicate that Scottish Water will require substantial infrastructure upgrades for the Nairn area for both services. Funding and timescales for these upgrades, particularly at a time of austerity, need to be spelt out clearly. (209)

Allocation

- Object and oppose the development at Nairn South or indeed anywhere along the Cawdor Road corridor. (380)
- Objection is made to the endorsement of the Enquiry by design process undertaken by the consortium of developers within the text of the plan. (220)

Alternatives

There are brown field sites within Nairn available for development with better access to A96, amenities in Nairn and existing services. (509)

Scotia Homes North Ltd, Robertson Homes Ltd, Barratt East Scotland – “The Consortium” – (333)

- Given the current economic climate and the uncertainty in the market place, it is considered that there should be sufficient flexibility in the LDP to allow sites to come forward where they are capable of delivering housing land.
- Sufficient flexibility is introduced into the policies on infrastructure provision to ensure that the costs of development do not prohibit its deliverability. Representations on Policies 9, 18, 32 and 33 are relevant in this respect.
- To provide certainty on the delivery of effective housing land, the phasing boundaries indicated on Map 9 (see full representation) should be amended. The suggested amendments are illustrated on Plan 2: Suggested Amendment to Map 9 (Appendix 6) and identify a revised boundary for Phases 2 and 3. The consortium is capable of delivering effective housing land in the first phases of the LDP, and they intend to demonstrate this by submitting a planning application for 320 (circa.) dwellings to Highland Council on land identified in Plan 3: Planning Application Boundary (Appendix 7). The suggested southerly extension to Phase 2 as identified on Map 9 of the LDP accords with the southern boundary of the planning application. (Application now submitted 11/000686/FUL).
- The housing land supply and requirement illustrates the significance of bringing forward land which can be delivered in the early periods of the LDP. The consortium considers that their land should be given priority phasing on Map 9.
- The consortium considers that their land can deliver the policy objectives in Para 70 and 78 of SPP and this is illustrated by their commitment and sponsorship of the EbD process and will be evidenced through the proposed planning application (now submitted 11/000686/FUL). The above representations justify the changes proposed to Map 9.
- Infrastructure: The Consortium is aware that the Nairn Masterplan Strategic Transport Review undertaken by WSP identifies that land to Nairn South (24 ha) could, in principle, support additional traffic generated by development of the site. The main transportation issues that have to be addressed for potential development in Nairn are crossing the rail line via the existing bridge, level crossing and underpass to access the town centre and the A96 corridor. Adequate access for pedestrians, cyclist and vehicles has to be achieved to connect any development into the existing town facilities and to the town centre in order to encourage usage. The Report concludes on the basis of the data examined and the strategic review undertaken that in transportation terms, the network could support the development of more than 200 units (subject to a detailed Transport Assessment). The consortium considers, therefore, that their land is capable of delivering a first phase of circa 300 houses in accordance with the conclusions of this Review.
- The allocation of housing and mixed-use development land to Nairn South within the short, medium and long term periods of the LDP and would:
 - be wholly in accordance with the Council Strategy
 - be capable of delivering the Council’s housing land requirements
 - potentially assist in the delivery of the A96 corridor framework and
 - address community aspirations for the future of Nairn.
- The scale of housing allocated at Nairn South both in the short term and in the later phases of the LDP needs to be sufficiently generous as to deliver the infrastructure requirements of the town. A first phase of housing and mixed-use development will lay the foundations for subsequent phases of growth.
- It is respectfully requested that land at Nairn South is maintained as an allocation for residential and mixed-use development in the Highland Wide Local Development Plan.

Charles Allenby – Muir Smith Evans (220)

- Extent of land for sawmill buffer is considered excessive and prejudiced the potential for a pedestrian bridge over the railway.

- The extent of land identified by the spatial strategy for Nairn South as the initial phase of development to accommodate around 300 houses, retail, community and business/commercial facilities and to the phasing for release of land to the south of Nairn which does not recognise a sustainable concentric pattern of growth. There is no recognition of landscape capacity in terms of providing a suitable landscape framework and buffer to contain the development within established landform and landscape features to avoid insensitive siting and ridgeline development.
- The extent of land identified by the spatial strategy for Nairn South does not recognise a sustainable concentric pattern of growth.
- There is no recognition of landscape capacity in terms of providing a suitable landscape framework to contain development, avoid insensitive setting and ridgeline development.
- Phasing should be changed to enable good links to the surrounding area and a contained and sustainable pattern of growth fitting with the landscape.
- There should be a strategic approach to the development of land to the South of Nairn regardless of land ownership boundaries to create a positive framework for growth in a logical and sustainable manner.
- The purpose of this submission is to provide a strategic context for the growth of Nairn based on sound urban design principles and upon sustainable and deliverable patterns of development. This has included initial technical assessments on infrastructure, utilities, transport and the development capacity of the landscape.
- We have recently met representatives from Nairn River Community Council as the start of a period of engagement with the local community to inform the next stage of the masterplanning process. The initial response has been supportive and the approach of looking at the pattern and structure of growth of the settlement rather than simply looking at development within a single ownership has been particularly welcomed.
- Our approach has also been to consider an appropriate form and density of development to properly reflect the transition from urban to rural at a location at the edge of the settlement with open countryside beyond. The density of development and the provision of open space, strategic landscape features and play provision should therefore reflect this edge of settlement location and not simply replicate a denser urban grain imposed from parts of the town centre. The land take and extent of land allocated within the Local Development Plan therefore needs to be carefully considered, explained and justified.

Support

- Support the identification of new housing and mixed use development at Nairn South. The housing land requirement identified in Table 3, underpinned by the housing need and demand assessment, is also supported. The master planning process is welcomed and the principle of new development contributing to local services, community facilities and infrastructure supported. (333)
- Fully supportive of approach that future development options for Nairn should be considered as part of the development plan process rather than individual applications. (220)
- The promotion of this land by a consortium of three developers is a significant factor in this economic climate as there is clearly the ability to deliver effective housing land on the land identified. This further supports the identification of the land in the first phase of the LDP. (333)

Modifications sought by those submitting representations:

Infrastructure Deficiencies- Transport

- Representors seek the removal of the allocation before a bypass, as the current road network will be unable to cope and there are safety concerns over the railway crossing for motorists, cyclists and pedestrians. (In particular the current pinch points at the railway bridge and the junctions with the A96 through Nairn, the B909 Cawdor Road connection particularly for pedestrians and cyclists and to the B9091/B9090 junction.)
- Removal of allocation due to the already increased traffic concerns from the medical centre
- Inclusion of emphasis on securing upgrade to A96 and Nairn by-pass
- Specific reference to be made to declining Moray economy to help progress the bypass.
- Requirement for road improvements before the development

- Change the access road across from Firhall
- Addition of a link road between phases 2 and 3
- Requirement for improvement of pedestrian provision
- Relocate entrance to development either nearer Mill Street or towards Broadley Garden Centre

Concerns over negative effects on agricultural land and the environment

- Removal of allocation to retain as agricultural land
- Removal of allocation due to loss of irreplaceable flora and fauna (assumed)
- Policy to be strengthened to include a buffer zone from the development along the riparian corridor (not meaning that access to the riparian corridor should be provided)
- Removal of allocation as environment/quality of life would be adversely affected
- The proposal and policy should be subject to Habitats appraisal (taking into account the cumulative affect policy 9 in the plan)
- Requirement for a Flood Risk Assessment
- Wish policy strengthened to include requirement for a buffer zone from development along the riparian corridor edge (285)

Impact on the Sawmill

- Removal of allocation as it will impact on the Sawmill operations
- The Proposed Plan to include the full expansion area in the Local Plan and the reference to the link road
- Addition of detail/clarification of a buffer to be included

Policy 18 should be worded as follows:

- (1) after 'infrastructure requirements to enable development to progress'...' and safeguards for expansion of the Sawmill and the principle of a Cawdor Road – Balblair Road link road as provided for within the adopted Nairnshire Local Plan'
- (2) 'Transport (new fourth bullet)... - a line will be reserved within or adjoining a buffer to be formed between the Sawmill expansion and the north-east limits of development at Nairn South for the development of a link road between Cawdor Road/ Balblair Road, pending full consideration of the transport requirements of the Sawmill in the context of any approval at Nairn South'
- (3) '...Design (adjust fourth bullet)... - a buffer area must be maintained between the land allocated in the adopted Local Plan for expansion of the Sawmill and the north-east limits of any development at Nairn South. The buffer which will separate the Sawmill expansion area from neighbouring uses should be a permanent shelter belt of trees of an appropriate width (minimum 40-45m) and will be provided within the Nairn South allocation, by the developer of that land.(126)

Concern over Housing/Development

- Removal of allocation as there is no requirement/need for dense housing in the area
- Economic situation of RAF Kinloss and Lossiemouth to be taken into account in the housing numbers
- Confirmation over Local Plan numbers vs application numbers
- Change in density to take into account the rural area
- Requirement that future housing be mixed tenure

Concerns over Jobs and Services

- Removal of allocation as there are no jobs to support it
- Removal of allocation as there are insufficient services for the new residents
- Removal of allocation due to loss of amenity
- Clarity needed for Scottish Water – provision of Water and Sewerage

Allocation - Phasing

- Removal of allocation – object to any development along the Cawdor Road
- Amendments to phasing (see below)

Scotia Homes North Ltd, Robertson Homes Ltd, Barratt East Scotland – “The Consortium”

- Sufficient flexibility in the LDP to allow sites to come forward where they are capable of delivering

housing land.

- The consortium's land should be given priority phasing on Map 9.
- The consortium considers that their land is capable of delivering a first phase of circa 300 houses in accordance with the conclusions of this Review. (333)
- It is respectfully requested that land at Nairn South is maintained as an allocation for residential and mixed-use development in the Highland Wide Local Development Plan. (333)
- It is considered, that Map 9: Nairn, should be amended as indicated in Appendix 6. The amended Phase 2 area would be on land entirely within the control of the consortium and ensure deliverability of housing and other mixed use development for Nairn South within the time periods identified in the LDP Proposed Plan. This would be consistent with the consortiums proposed planning application submission.

Charles Allenby – Muir Smith Evans

- Further land should be allocated and phasing adjusted to allow for a sustainable concentric pattern of growth. Phase 3 at Nairn South should be identified within Phase 2. (220)
- Indicate a link road between Cawdor Road and Balblair Road (220)
- The plan should set out the requirement for a Development Framework and Brief for the first phase of development. (220)
- Endorsement of consortium's Enquiry by Design process to be removed. (220)
- Allocated buffer around the sawmill as mixed use including landscape features and landform to avoid prejudicing the future pedestrian bridge across the railway. (220)
- A more detailed development framework and masterplan for Nairn South should be endorsed within the Local Development Plan to establish more detailed layout options. (220)

Summary of responses (including reasons) by planning authority:

Rationale for Allocation

- The land benefits from an allocation, in part, in the adopted Nairnshire Local Plan 2000 – Written Statement Page 34 Policy S5 and Inset Map 1 Nairn which shows 49.0ha at Balblair reserved for existing uses where there will be a presumption against piecemeal development in the interests of the orderly expansion of the town in the longer term for which access from Cawdor Road will be reserved. A number of other key allocations are contained within that plan and these remain relevant – in particular the reservation of land for the expansion of the sawmill, which the Council has in effect maintained by drawing the boundary of the expansion area in south Nairn to exclude the currently adopted Local Plan expansion area. It is the Council's position that that allocation should remain and be a fundamental element of the debate moving forward.
- It is also supported through the A96 Growth Corridor Development Framework which was approved as non statutory supplementary guidance by the Council in 2007. Within this framework Nairn South forms an integral part of the Nairn Spatial Strategy. As the allocation has previously been mooted for development in the adopted Nairnshire Local Plan (pages as above), the A96 Growth Corridor Development Framework (various pages) and the [Highland wide Local Development Plan: Main Issues Report](#) it has undergone several rounds of public consultation. The public concerns over levels of development in the expansion areas of Nairn brought up at Main Issues Report stage have been assessed and the approach in the Proposed Plan is of a more proportionate, masterplan-led approach to development on the key sites. The National Planning Framework 2 identifies the A96 Corridor 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 Nairn South is therefore consistent with Scottish Government's national spatial strategy for long term development to deliver increased sustainable economic growth.
- Part of the area has genuine developer interest and landowner support from two parties on adjoining land. A consortium of three developers - Scotia Homes North Ltd, Robertson Homes Ltd, Barratt East Scotland – have submitted a detailed planning application; 11/00686/FUL (received February 2011) for an area of land within a single ownership.

Infrastructure Deficiencies- Transport

- A number of respondents have commented on the impact of this development on a range of

infrastructure issues, the main one being transport.

- The development of Nairn must be seen in the context of long term aspirations for a bypass and the Council will continue to lobby Scottish Government for the funding and design work to be progressed. Transport Scotland have begun the next stage of design review for the A96 Corridor between Inverness and Nairn, and this work is expected to be complete by the end of March 2011.
- It is recognised that the long term development of Nairn South requires some significant interventions – whether that is an inner relief road or the by-pass itself. The spatial strategy indicates the potential for a limited release of land in this location in order to supplement the land supply in Nairn, and offer a further degree of choice in the market. It is essential that the delivery of the first phase of housing in this area will demonstrate that the current pinch points associated with the existing railway bridge and the junctions on to the A96 in the centre of Nairn can be sufficiently improved to enable this development.
- The developer requirements set out in [Policy 18](#) seek to address many of the concerns raised. The parties have been involved in detailed discussion with various council services and outside agencies with the [Pre-Application Advice Pack 10/04966/PREAPP](#) formalising a number of issues before submission of any application. A number of issues regarding transport and access have been raised and the council is aware of the potential problems, pinch points. Discussions between the developers and the councils Transport department have been ongoing.
- The development of a link road between Blablair Road and Cawdor Road as set out within the adopted Local Plan has not been specifically referred to in the policy and this has been noted by the Sawmill and Mr Allenby representation. It remains a possibility that a link road may be required, but further analysis of the transport implications of the first phases of development, as well as discussions on the form of the buffer area will inform that debate further. The Reporter may wish to refer to this in any amended developer requirements to ensure that the issue is addressed in the determination of planning applications in this area.
- Regarding the railway bridge and the need to work with Network Rail, the Council is aware of the various constraints in place and it is for the developers to overcome these constraints to progress the development. No objection has been received from Network Rail to this allocation.
- The opportunity for the railway crossing adjacent to the school is a key part of the Mr Allenby request for an amendment to the current allocation. As far as the Council is aware no discussions have taken place with Network Rail to ascertain the possibility, cost or delivery timescale of this railway crossing, and it is not clear that this is the only potential crossing point (albeit that it would appear to be the point which offers least disruption to the operation of the school).
- No objections have been received from Transport Scotland in relation to strategic transport implications. It is important however that all development interests in Nairn South commit to the longer term transport solutions for Nairn. As noted above, the design work for the Inverness-Nairn study will be available during 2011, and it is expected that this will provide an indicative solution for a Nairn by-pass. The policy provisions for Nairn South must include a commitment to longer term improvements and a link to future supplementary guidance on strategic improvements.

Agricultural Land

- 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 document. This states that development on prime agricultural land will be acceptable where it is an essential component of the settlement strategy. Nairn South is an essential component of the A96 Corridor Growth Strategy and required to meet the housing demand within the Inner Moray Firth area. It is fundamental to the strategy allowing a greater choice, location and type of housing in Nairn, helping significantly reduce development pressures on other areas. There is not enough brownfield land to develop for the housing needs that are required, and therefore it is inevitable that Greenfield sites will be used.

Environmental Impacts

- SNH have made no objections to the site due to irreplaceable flora and fauna. The consideration of the masterplan will reserve the most important habitats on the site.

- Habitats Regulations Appraisal - The Council is progressing the Plan's Habitats Regulations Appraisal (HRA) in conjunction with SNH. The outcomes will be submitted to the Reporter prior to the Examination.
- Detailed development factors including the set back from the river Nairn will be considered in more detail.

Flood Risk Assessment

- The policy requires consideration of the findings of a flood risk assessment and to avoid development at the edge of the functional flood plain. Equally the Plan's general [Policy 65 Flood Risk](#), already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. When SEPA have information to predict and map similar risk areas for small watercourses and pluvial issues then these too would trigger the application of Policy 65 and its flood risk assessment requirement.

Jobs and Services

- SPP states Planning Authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. In addition Development plans should support small business development and growth and promote opportunities for low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity. New development in Nairn will contain opportunities for business. The mixed use sites in Nairn South, Delnies and at Sandown do provide opportunities for business development, and in that respect will offer significant benefits to employment growth. The Council will also continue to work at enhancing the attractiveness of Nairn as a business location.
- No objection has been received from Scottish Water in respect of wastewater treatment or water supply capacity. Costs of any required improvements to the networks of both water and waste water will fall to the developer.

Housing Need and Demand

- The proposed expansion of Nairn is part of a wider strategy for the A96 Corridor. With only one major site under development within Nairn there is a constraint on the operation of a housing market. Housing completions were significantly down in 2009, to a greater extent that can be attributed to the economic slowdown. Inclusion of further releases of housing land to serve the Nairn Housing Market Area will assist in providing choice and stimulate the housing market.
- A review of the housing need and demand in Nairn has been undertaken and this has concluded that very long term aspirations identified in the A96 Corridor Framework do not need to be brought forward at this time. Instead the intention set out in this spatial strategy is to focus on the immediate 10-20 year requirements. This approach reflects the views received from the previous community consultation at Main Issues report stage which sought a more proportionate amount of growth for the town.
- The council acknowledges that Nairn South may have the potential to serve much of the longer term housing requirements for Nairn subject to transport infrastructure improvements being put in place. However, in the first instance, there is an opportunity for some more modest development to take place if the impact on local infrastructure, including the current pinch points on the local road network and the junction onto the A96 in Nairn town centre. Two main areas of land are considered at Nairn South, and submissions have been received from both interests. It is essential that these interests work together to deliver a development in Nairn South which promotes the links to the town centre, whilst providing quality living environments.
- The overall Housing Need for the HWLDP is addressed in a separate schedule 4 in [Issue 86 Housing](#).
- A mix of tenures will be delivered through the application of the councils [Affordable Housing Policy \(Policy 33\)](#) which states a requirement for 25% affordable housing.
- The phasing strategy set out in the Local Development Plan will be used to manage and facilitate development, and to ensure that infrastructure provision does keep pace. It is not

anticipated that housebuilders will build homes that cannot be sold, particularly in the current economic climate.

- The amenity of existing residents will form part of the consideration.

Loss of Amenity

- The council's recognition of the importance of open space is set out in [Policy 76](#). The development will be required to provide formal and informal open space as set out in the requirements of our Open Space in New Residential Development: Supplementary Guidance. In addition [Policy 75](#) seeks to protect green networks and improve connectivity.

Phasing and Design

- The Council has set out a phasing plan within Policy 18 which is considered to be proportionate to the town and in line with the need for the town (as set out under [Issue 86](#)). There is a clear requirement set out in the policy for any development to meet this phasing strategy.
- The limit to the development of the first phase of Nairn South will be determined by a co-ordinated masterplanning exercise to be carried out for the area outlined in Map 9. This first phase will be strictly limited to 250 houses. The issue of the adequacy of the Plan's housing land supply is covered is set out under [Issue 86](#). The Council maintains that the capacity and proposed phasing of the Plan's allocations are in line with projected housing requirements specified in the Council's Housing Need and Demand Assessment, and in terms of the available information in respect of transport impact. It will be for the individual developers to ascertain through transport assessment to determine whether these transport issues can be overcome, although the Council position remains that any planning permissions granted should be phased in accordance with the phasing strategy for Nairn as a whole (with appropriate "pause and review" points built in).
- It is acknowledged that landscape character is an important element of a sites development and phasing and while the Allenby representation does highlight a possible way forward, the consortium has also carried out a landscape assessment that should also be taken into consideration. The issues relating to concentric growth of Nairn are important, but it is essential that this concentric growth also takes into account the continuing role and expansion potential of the sawmill and level of effectiveness of the land supply.
- Both developers have requested alterations to be made to the phasing. The council's position is that of the proposed plan. It will be Reporter to take on board the comments made by the council, the consortium, Allenby representors and the Sawmill as well as other parties in recommending a way forward.
- The design work which the consortium has taken forward in Nairn has involved using the Enquiry by Design process, including public involvement. The Council does not accept the view that this is not reflective of sound land use planning and urban design principles. Indeed the early stages of the process involved a strategic perspective of Nairn South as a whole.

The Sawmill

- The issue of the existing sawmill is of great significance and for that reason there is a buffer area shown between any development at Nairn South and the sawmill to protect its future operation and expansion abilities. Key to any development in Nairn South is the need to protect the existing timber yard and to ensure that its possible expansion in the future is not compromised.
- The council supports identification of the expansion area as per the LDP. The nature of the buffer area is a matter of continued debate. The Council view is that this could be a mix of planting, bunding and built development, with the built development being in the medium to long term. Following the workshop held between the parties and facilitated by the Council ([13th January 2011](#)) there was general agreement of the principle of an expansion area and buffer but no formal agreement on form. A note of that workshop is available here (link to be added). The Reporter may also wish to consider the level of prescription which is seen fit taking into account the views of all parties.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*The principle of development*

1. A number of representations (including 209, 366, 370, 380, 393 and 509) question the principle of having new development at Nairn South. It is argued that there is no demand for the proposed dwellings and that such demand as there is may be met at Lochloy or Sandown-Delnies or on brownfield sites within the town. Pressure on the town centre caused by the proposal would have a detrimental effect on tourism.
2. In response, the Council provides its rationale for the proposed allocation and refers to housing need and demand. In what follows, I give consideration to the four matters in the rationale and to the points regarding housing need and demand.
3. The Council says that land at Nairn South benefits in part from an allocation in the adopted *Nairnshire Local Plan*. It quotes from Policy 13. I note that this policy applies to the northern part of Nairn South. That part of the site which is to the south-west and south of the garden centre is not within the Policy 13 designation on the Nairn inset map. I find that Policy 13 is directed primarily to prevention of piecemeal development. It refers to "expansion of the town in the longer term" but gives no clue as to how far "longer term" extends into the future. My conclusion is that Policy 13 may be interpreted as foreshadowing town expansion, but it may also be interpreted as keeping an option open without commitment to allocating land for development.
4. The Council says that the proposed allocation at Nairn South is supported by the *A96 Growth Corridor Development Framework*. Nairn South is "an integral part of the Nairn Spatial Strategy." I note that the *Framework* includes the following:

The commencement of the [Nairn] by-pass.....is critical. This will.....provide the opportunity to effectively link new growth areas and Nairn Centre to bring an integrated movement solution for the town as a whole.
(page 17)

A centre to the northern part of Nairn South will.....provide an accessible additional range of local services for existing communities.
(page 17)

The Nairn Framework Plan indicates commercial development on that part of Nairn South which is to the west of Balblair Road, a district centre and primary school on the Nairn South phase two area, high density housing on the phase 3 and phase 4 areas between Balblair Road and Cawdor Road and a high school on that part of Nairn South which is east of Cawdor Road. To the west, south-west and south of Nairn South, land is allocated for housing at medium and low densities.
(page 18)

From the above, I find that the *Framework* identifies major expansion to the south of Nairn. This includes an extensive area of housing land, the larger part of which is not allocated for development in the proposed *Highland-wide Local Development Plan*.

5. The district centre proposed in the *Framework* appears to be dependent, at least in part, on implementation of the rest of the expansion. The *Framework* does not appear to give consideration to what extent, if at all, the retail element of the district centre would compete with the town centre. It does not appear to have considered an alternative scenario of encouraging retail expansion in the town centre in association with measures to make the centre easily accessible from Nairn South. I find this of some significance because access to the town centre is identified as a positive feature in

the proposals currently put forward for Nairn South in some of the representations.

6. In connection with the above, I note that the *Main Issues Report* (page 18) says that one of the key issues for Nairn is “for new development to complement efforts to regenerate the town centre.”
7. On the question of access, the *Framework* is clear that construction of the by-pass is critical.
8. From all the foregoing, I draw two conclusions. First, the *Framework* points unequivocally to the south side of Nairn, in the vicinity of the Balblair and Cawdor Roads, as being one of the locations where expansion of the town would be appropriate. Second, this cannot be taken as giving unqualified support to Nairn South in view of the many significant differences between what is in the *Framework* and what is in the proposed *Highland-wide Local Development Plan*.
9. The Council says that, as a result of several rounds of public consultation in connection with the *Framework* and the *Main Issues Report*, the approach in the proposed plan is more proportionate and masterplan-led. I note that, in the *Main Issues Report*, the preferred option for Nairn is illustrated by the proposals contained in the *Framework*. I have no reason to doubt that there has been more than adequate opportunity for interested parties to submit comments on proposals for the future development of Nairn.
10. The Council says that its proposals for Nairn South are consistent with the *National Planning Framework for Scotland 2*. I note that, at paragraph 58, the *National Planning Framework for Scotland 2* refers to the Inverness to Nairn corridor as one of a number of “key locations which have been identified as offering substantial strategic growth potential.” Paragraph 214 also refers to the corridor and, among other things, mentions “significant expansion to the East of Inverness and at Nairn.” I conclude that the *National Planning Framework for Scotland 2* supports new development at Nairn, but not necessarily at Nairn South.
11. The Council says that, at Nairn South, there is developer interest and landowner support. I find no evidence to show that such interest and support is unique to Nairn South. Representations indicate that there is some conflict of interest between three land-ownership interests at and close to Nairn South. For these reasons, I conclude that this factor carries very little weight when assessing the merits of what is proposed in the plan.
12. In a separate section of its response, the Council addresses housing need and demand. In relation to this, I adopt the findings made under *Housing demands* in Issue 17: Delnies.
13. In support of the case for there being no demand for housing at Nairn South, reference is made to the existence of brownfield sites within the town. I note that, in the centre of Nairn, some brownfield land is available for provision of new dwellings. I find that this brownfield development, while meriting fullest possible support, would be on a relatively limited scale and would not justify reducing the allocations of greenfield land.
14. There is concern that Nairn South would put pressure on the town centre, to the detriment of tourism. I take this to be essentially a reference to traffic congestion. Traffic matters are addressed below, but, on a wider front, increased population with adequate access to the town centre should support the continued existence and possible expansion of retail and other facilities in the town centre. A thriving town centre is likely to add to the town’s attractiveness in terms of tourism.
15. From all the foregoing, I conclude that the representations do not justify entire removal or reduction of the allocation proposed for Nairn South.

Transport – the by-pass

16. A number of representations, including 76, 94, 370, 507 and 508, make reference to need for a Nairn by-pass. Most say that Nairn South should not proceed until a by-pass has been constructed. One looks for an assurance that the by-pass will be provided. Another says that there will be no by-pass for at least twenty years.

17. In its response, the Council says that it will continue to lobby for the by-pass proposal to be progressed. Transport Scotland has made no objection regarding strategic transport implications.

18. I have already noted that the *A96 Growth Corridor Development Framework* identifies commencement of the by-pass as critical, providing opportunity to link new growth areas and the town centre. This assessment relates to a much greater amount of new development than is put forward in the proposed *Highland-wide Local Development Plan* and must be viewed in that light.

19. For these particular representations to be endorsed, it needs to be demonstrated that, in the absence of a by-pass, the allocation proposed for Nairn South would not have acceptable transport links to the rest of the town and other surrounding areas. These matters are considered in what follows.

Transport – existing roads, including Cawdor Road and the railway bridge and roads in the town centre

20. Representations 76, 208, 209, 366, 370, 371, 380, 383, 384, 393, 499, 506, 507, 508 and 509 express concern about the effect of development at Nairn South on the transport system. There is particular concern about Cawdor Road, especially where it passes under the railway. Other concerns include increased congestion on town centre roads and the prohibitive cost of necessary improvements.

21. Representation 220 (Mr Allenby) says that installation of traffic signals at the junction of Balblair Road and Cawdor Road at the railway bridge would allow provision of an improved pedestrian footway and provide pedestrian crossing facilities. The Council has advised in principle that this option would be considered as a suitable immediate solution to support development in Nairn South (paragraph 52).

22. In its response, the Council says that it is essential that proposals for the first phase of development at Nairn South demonstrate that pinch points at the railway bridge and at A96 junctions beyond can be sufficiently improved. It is for developers to overcome the various constraints. Long-term development of Nairn South requires significant interventions – “whether that is an inner relief road or the by-pass itself.”

23. From consideration of the representations and from an inspection of the locality, I find travel conditions on Cawdor Road in the vicinity of the railway bridge are unsatisfactory. Reasons for this include restricted carriageway width beneath the bridge, lack of a footway on the west side of the carriageway at the bridge, the restricted width of the footway on the east side of the carriageway at the bridge, lack of visibility at the junction with Balblair Road and lack of footway provision on Balblair Road. These deficiencies suggest that Cawdor Road may well be unsuitable for additional travel movements generated by development on the proposed Nairn South allocation and unsuitable as a convenient and safe route between the development and schools and the town centre.

24. I find it unsatisfactory for land to be allocated in a proposed plan at a location where there appears to be deficiencies in the road network, unless it is reasonably clear that the deficiencies can be overcome. It is not appropriate for the Council simply to say that it is for developers to overcome the constraints. At the plan-making stage, there is need to be satisfied that constraints can be overcome at a cost that does not render development uneconomic. Otherwise, the allocation could be ineffective.

25. To be fair to the Council, I note that it is involved in ongoing discussions with developers. Ways of addressing the road deficiencies may well be emerging, though this is not stated in the response. Related to this is the WSP Transport Assessment, to which I give consideration below.

26. The Council response has a passing reference to “an inner relief road” as a possible way forward. At the hearing on 28 September 2011, the Council’s representative said that the Council is not promoting the inner relief road. I note that the proposed plan makes no reference to an inner relief road. For these reasons, I give no consideration to a possible inner relief road.

27. I note that in representations 220 and 333 there is reference to planning application 11/00686/FUL. This application was also mentioned at the hearing on 28 September 2011. The application seeks permission for “residential development consisting of 319 units (232 houses and 87 flats) and associated infrastructure and public open space.” Accompanying the application is a Transport Assessment carried out by WSP and dated February 2011.

28. The Transport Assessment is based on a development of 320 dwellings (paragraph 4.1.1). The location of the development is shown in Appendix C. The site is between Cawdor Road and Balblair Road. It takes in parts of phases 2, 3 and 4 shown on Map 9 on page 51 of the proposed *Highland-wide Local Development Plan*. Despite this lack of conformity with the phasing in the proposed plan, I find that the development on which the Transport Assessment is based is usefully relevant in that it is entirely within the Nairn South allocation and 320 dwellings is not far short of the total of 330 dwellings ascribed to Nairn South for the period 2011 to 2021 in Table 3 on page 50 of the proposed plan.

29. The Transport Assessment identifies road improvements at several locations. Paragraphs 3.9.4, 4.2.6, 4.2.7 and 4.6.6 to 4.6.9 describe the introduction of traffic signals to control alternating one-way vehicle movements beneath the railway bridge on Cawdor Road. The footway beneath the bridge would be widened. The signals would incorporate a pedestrian crossing phase and would embrace the Cawdor Road – Balblair Road junction.

30. The Transport Assessment identifies peak-hour queuing as an existing problem at the junction where Waverley Road joins the A96 west of the town centre. Use of this junction would be increased by development at Nairn South. The Assessment suggests a means by which queuing might be reduced.

31. It is for the Council to examine in detail the Transport Assessment and to come to a view as to its merits in relation to the particular proposal to which it refers. I express no view on these merits. What I do find is that the Assessment identifies a number of measures, including those which I have summarised above, which, if explored further, offer the prospect of adequately addressing the concerns raised in the representations. The Assessment cannot be the final answer because it is based on a particular proposal for a part only of Nairn South.

32. From this, I conclude that the proposed plan need not be modified in response to the representations.

Transport – road safety

33. Representation 381 refers to road safety issues. Records for personal injury accidents for the three-year period from 2007 to 2009, as reported in the Transport Assessment (paragraph 3.8.7), show two slight accidents in the vicinity of the Cawdor Road railway bridge and no accident between there and the A96, using the Waverley Road route. More details are given in the Assessment. I find that, while this does not indicate an unusually bad accident record, it does reinforce the need for improvement at the bridge and adjacent Balblair Road junction. Measures such as those advocated in the Assessment could result in safer – as well as less unpleasant – conditions for road users, even with the increased numbers of journeys that would arise if the initial phase of development at Nairn South were implemented.

Transport – Firhall

34. Representations 393, 499 and 507 express concern about the relationship between development at Nairn South and Firhall. If an access to Nairn South were constructed opposite to the existing access in to Firhall, this would be a dangerous arrangement. It would also encourage Nairn South residents to use the communally-maintained landscaped grounds at Firhall.

35. From inspection, I note that Firhall is a residential development on the east side of Cawdor Road. Nairn South adjoins a section of Cawdor Road that is roughly 800 metres in length. I find that this gives scope to consider a variety of locations for accesses serving Nairn South. If development of Nairn South were to proceed, the precise positioning of accesses would be a matter to be given

consideration during the planning application process. My conclusion is the proposed plan need not be modified.

Agricultural land

36. A number of representations, including 371, 380, 383, 391, 506 and 509, express concern about loss of good agricultural land. In response, the Council refers to *Scottish Planning Policy* and says that Nairn South is an essential component of the A96 growth corridor strategy.

37. A similar concern is raised in connection with Issue 17: Delnies. In line with my findings in Issue 17, I find that evidence does not show that, if Nairn South were to be excluded from the allocations, a suitable alternative site of lesser agricultural quality could be found to replace it. My conclusion is that deletion of the Nairn South allocation is not justified on grounds of loss of agricultural land.

Environmental impacts

38. Representation 285 says that Policy 18 should be strengthened. There should be a buffer zone between development and the edge of the riparian corridor. In response, the Council says detailed development factors, including set-back from the River Nairn, "will be considered in more detail."

39. I note that Policy 18, under *Natural, Cultural & Built Heritage*, includes "Development should retain access to the riparian corridor....." I find that protecting the riparian corridor from inappropriate development is at least as important as ensuring access to it. If access merits mention in the policy, so does protection. My conclusion is that this part of the policy should be strengthened.

40. In representation 118, Scottish Natural Heritage says that Nairn South should be considered as part of the cumulative HRA assessment. When this representation was made, the outcome of the Council's Habitats Regulations Appraisal was awaited.

41. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. In a letter dated 3 October 2011, Scottish Natural Heritage withdraws its representation regarding Policy 18 on the basis of the *Appraisal* and of mitigation proposed for inclusion in the plan. The relevant comment in schedule 1 attached to the letter reads:

Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.

I note that the representation is withdrawn.

42. Representation 391 expresses concern at loss of habitat. More and more land is being used for development with irreplaceable loss of flora and fauna. In response, the Council says that Scottish Natural Heritage has made no objection on the basis of such loss. The masterplan will reserve the site's most important habitats.

43. I note that Nairn South is almost entirely farmland. Such land usually lacks any special wildlife interest. Evidence does not show that Nairn South is an exception. Policy 18, under *Natural, Cultural & Built Heritage*, requires surveying and mitigation regarding protected species. Under *Green Networks & Open Space*, the policy requires green network linkage within the site. Taking all these considerations into account, I conclude that there is no need to alter the plan.

Flood risk

44. Representation 326 supports Policy 18, provided it retains requirements for flood risk assessment and for avoiding development in the functional floodplain. In response, the Council says that the policy includes these requirements. Policy 65: Flood Risk is also relevant.

45. I note that the requirements sought in the representation are found in Policy 18 under *Miscellaneous*.

Employment

46. Representations 380 and 391 say that there will be no employment, or no local employment, for the households envisaged at Nairn South. In response, the Council says that, in accordance with national policy, new development in Nairn will contain opportunities for business. The mixed-use sites at Nairn South and elsewhere provide opportunities for business development.

47. Under the heading *Nairn South*, I note that paragraph 14.12.2 of the proposed plan says:

Phase 1 will be mainly residential with localised employment opportunities as part of a mixed use masterplan for the area.....

48. In Policy 18, the introductory paragraph contains no description of the kind of development that is envisaged for the Nairn South allocation. Under *Phasing*, it says that the first phase of development “will be strictly limited to 250 houses.” These two features of the policy would seriously weaken the Council’s position if there ever were a dispute as to whether development at Nairn South, especially phase 1, should include provision for new businesses. Policy 18 must make clear that the land allocation is for employment opportunities as well as dwellings. If this were done, I would find that the Council’s response to the representation would carry some weight.

49. From my inspection of Nairn, I note that, on the east side of the town at Balmakeith, there appears to be a significant amount of employment-generating development, some of it quite recent, indicating that Nairn has attractions for business. I have no reason to doubt that this will continue to be the case.

50. From the foregoing, my conclusion is that, apart from an adjustment to the wording of Policy 18, there should be no other alteration to the proposed plan.

Water and drainage

51. Representation 209 seeks clarity regarding provision of water and foul drainage. In response, the Council says that Scottish Water has made no objection. Costs of any required improvements will be met by the developer.

52. In the absence of evidence to show that the proposed allocation at Nairn South is ineffective due to lack of water supply or lack of public drainage, I conclude that the proposed plan need not be altered.

Other infrastructure

53. In representations 370, 380, 393 and 507 there is concern that various services, especially schools and medical facilities, would be unable to cope with extra demands arising from development at Nairn South.

54. I find that the concern regarding schools is addressed in Policy 18 by the section headed *Education*. This says that developer contributions may be required towards education provision.

55. Regarding the hospital, evidence does not demonstrate that medical facilities in Nairn are incapable of expansion, should there be a need for this, or that medical facilities elsewhere are better suited to meet the needs of population growth in the Inverness to Nairn corridor.

56. My conclusion is that the representations do not justify alteration of the proposed plan.

Loss of amenity

57. Representation 391 refers to a loss of amenity. There will be more noise, graffiti, drugs and vandalism. Representation 507 says that no consideration is being given to Firhall Village. The village provides a managed environment for people aged 45 or older. Many residents are now older than 80. All moved to Firhall because of its peaceful ambience.

58. In response, the Council says that the amenity of existing residents will form part of the consideration.

59. I find that there is no evidence to demonstrate that development on Nairn South would necessarily suffer more than any other area from the social ills listed in representation 391.

60. From inspection, I note the distinctive and attractive character of Firhall and its quiet setting. If development of Nairn South were to proceed, construction would undoubtedly create disturbance, but not necessarily to an extent that would have an unacceptable effect on Firhall, bearing in mind that construction would be for a limited period.

61. In the longer-term, after completion of construction, Firhall could have built development on both its west and south sides. This would change the character of the setting of Firhall. The change would no doubt be seen as detrimental by those residents who were attracted to Firhall by its rural setting. Such change is a common consequence of town expansion. I find that the effect of the change on Firhall would not be likely to be unusually adverse or unacceptable. My conclusion is that the proposed plan need not be modified.

Design

62. Representations 371, 383 and 509 express concern about high density of development. It is contended that there is no evidence to show that dense housing is required. Density proposed in phase one is completely out of proportion to the rural area south of Nairn. In the proposed development, few green areas would be apparent.

63. From my reading of section 14 of the proposed *Highland-wide Local Development Plan*, including policy 18, I find no requirement regarding density of development.

64. I note that page 17 of the *A96 Growth Corridor Development Framework* includes the following:

The Nairn Development Framework provides for nearly 10,000 new people accommodated in over 4,600 homes. These will be in primarily higher densities than conventional suburban development.....

On the next page of the same document, the *Nairn Framework Plan* has “high” written on part of its allocation for Nairn South. I consider that these references to higher densities may be one reason for the concern in the representations.

65. At the hearings on 27 and 28 September 2011, on behalf of the Council it was said that elements from the *A96 Framework* found in the proposed *Highland-wide Local Development Plan* are what the Council wants to take forward. After adoption of the proposed plan, the *Framework* will lose its status. Future plans will not be informed by the *Framework*. It will remain as background, be retained as a record and will have no statutory status.

66. I find the following:

- The proposed plan does not seek higher densities of development at Nairn South. At the same time, the plan does not prohibit higher densities.
- Density is only one aspect of design. It may be that, if developers come forward with proposals for higher-density development with a suitable design, the Council might find higher density acceptable. This is more a matter for the masterplanning and planning application stages than for the present purpose, which is consideration of the principle of the proposed mixed-use allocation at Nairn South.
- The Council will not be using the *A96 Framework* to promote higher densities at Nairn South.

From these findings, my conclusion is that the proposed plan need not be modified.

Phasing – too much development too soon

67. Several representations express concern about the phasing of development at Nairn South:

- Developers are suggesting 320 houses in the first phase of development, but the proposed plan says phase one must be strictly limited to 250 (representations 393 and

507).

- Population growth is limited to 2.5% per annum. This can be achieved without developing Nairn South (representation 393).
- In view of allocations at Lochloy and Sandown-Delnies, development at Nairn South could be deferred to 2016-2021 or later (representation 126, paragraph 4.3).

Other representations from developer interests refer to phasing. These are addressed later.

68. The Council's response includes these points:

- The phasing strategy in the proposed plan would ensure that infrastructure provision keeps pace.
- The phasing plan in Policy 18 is proportionate to the town and in line with need.
- The limit to the first phase of development at Nairn South will be determined by a co-ordinated masterplanning exercise.
- The first phase will be strictly limited to 250 houses.
- Any planning permissions should be phased in accordance with the phasing strategy for Nairn as a whole.
- The Council's position is that of the proposed plan.

69. I note that Map 9 on page 51 of the proposed plan divides Nairn South into four parts, one of which is designated phase 2. The map legend defines phase 2 as 2011-2021. On page 50 of the plan, Table 3: *Potential distribution of development to meet Housing Land Requirement in the Nairn Housing Market Area* has 330 house units for Nairn South during 2011-2021. From the terms of policy 18 and from the Council's response to the representations, I find that the 250-dwelling limit is intended to take precedence over the larger figure in Table 3.

70. With reference to limiting development so that the population of Nairn grows by no more than 2.5% each year, the representation does not demonstrate the extent to which development envisaged in the proposed plan would exceed this rate. Nor does the representation give justification for limiting growth to no more than 2.5% each year.

71. I note that Table 3 in the proposed plan indicates 640 (380+140+120) new house units at Nairn for 2011 to 2016 and 556 (186+160+210) units for 2016 to 2021. Figures in the adopted *Nairnshire Local Plan* (page 25) and the *Housing Need and Demand Assessment April 2010* (page 18) give some indication of the size of Nairn. Figures on page 17 of the *A96 Growth Corridor Development Framework* give an occupancy rate of about 2.2 persons per dwelling.

72. From the foregoing, I find that the growth envisaged for Nairn is probably somewhat above 2.5% each year. Bearing in mind that Nairn is part of an area identified for growth in the *National Planning Framework for Scotland 2*, I find no reason to conclude that the rate of growth proposed for Nairn is excessive. I conclude that there is no need to reduce this rate by omission of the Nairn South proposed allocation.

73. Representation 126 seeks deferment of the proposed Nairn South development. This representation is from John Gordon & Son Limited, proprietors of the sawmill at Balblair Road. The context of the representation is that priority should be given to the future of the sawmill. The sawmill interest is given separate consideration below.

The sawmill

74. Representation 126 is made on behalf of John Gordon & Son Limited, proprietors of the sawmill. The representation includes the following points:

- The sawmill has been in Nairn since 1862. It is now a modern timber-processing and distribution facility. It handles 150,000 tonnes of timber annually and gives employment to more than 100 people. Potential for expansion could raise throughput to 200,000 tonnes annually and add ten more jobs. The business is dependent on growth and competitiveness. This requires site expansion, new buildings, plant and machinery and

continued modernising (representation, paragraph 2.1).

- The proposed *Highland-wide Local Development Plan* does not take full account of the adopted *Nairnshire Local Plan* (1.1).
- The adopted local plan identifies 5.1 hectares for expansion of the sawmill. In November 2007, planning permission was granted for the sawmill to expand onto this land. The sawmill has had no success in acquiring the land from its two owners (2.2).
- Before there is commitment to development at Nairn South, provision for the sawmill's interests must be made. Land sufficient for expansion of the sawmill and for separation from neighbouring uses is sought (1.2).
- Expansion of the sawmill would allow full use of rail sidings, new access, improved circulation and establishment of a coherent edge beside the indicative line for the link road shown in the adopted *Nairnshire Local Plan* (2.3).
- Other uses too close to it could seriously prejudice the sawmill. (4.7) Some impact from noise, dust, fumes and smells is unavoidable. (4.8) Effective buffering and screening should be provided on the urban expansion land, not on the land identified for sawmill expansion (4.10).
- The adopted plan identifies a 40 metres to 45 metres depth of tree planting adjoining part of the sawmill expansion area. This sets an appropriate benchmark (4.10).
- Policy 18 should be amended:
 - (i) the opening paragraph should refer to safeguards for expansion of the sawmill and to the principle of the link road;
 - (ii) the transport section should refer to reserving a line for the link road; and
 - (iii) the design section should refer to the buffer as being a belt of trees at least 40 metres wide and as being provided within the Nairn South allocation by the developer (5.2).

[The link road is addressed in the next section of these conclusions.]

75. Representation 220, on behalf of Mr C Allenby, includes the following:

- The proposed buffer between the sawmill and Nairn South should be a mix of uses, landform and landscape features (representation, paragraph 90).
- The proposed buffer on the west side of Balblair Road is too extensive. It prejudices the potential for a footbridge over the railway. It should include a physical barrier or landform feature (paragraph 90).
- A single concept masterplan should be prepared for development areas on both sides of Balblair Road. On the west side of Balblair Road, the Nairn South allocation should be extended northwards to the present boundary of the sawmill (paragraph 92).
- The concept masterplan should include a requirement for a sawmill buffer zone and expansion space (paragraph 93).
- The council proposes to "roll forward" the sawmill extension allocation in the *Nairnshire Local Plan*. Since that allocation was made, circumstances have materially changed. An autistic unit is now established at Nairn Academy. The Academy has been refurbished. The hospital on Cawdor Road has been upgraded. These changes increase the sensitivity of the surrounding area (hearing, 28 September 2011 and letter of 28 October 2011).
- No evidence has been submitted to support the extent of buffer sought by Messrs Gordon (letter of 28 October 2011). The amount of land identified for expansion of the sawmill is excessive (hearing, 28 September 2011). Any need for more timber storage space could be met off-site (letter of 28 October 2011).

76. In its response, under *Rationale for Allocation*, the Council says that a number of key allocations in the *Nairnshire Local Plan* remain relevant, in particular reservation of land for expansion of the sawmill. The Nairn South allocation does not extend on to the land reserved for sawmill expansion.

77. In its response under *The Sawmill*, the Council says that key to any development at Nairn South is the need to protect the existing timber yard and to ensure that possible expansion is not

compromised. A buffer area is shown. There is continuing debate about the nature of the buffer. It could be a mix of planting, bunding and built development.

78. I note that the *Nairnshire Local Plan* was adopted in 2000. In it, *Inset 1: Nairn* gives land on the south side of the sawmill the reference 12(b). The related policy on page 34 of the Written Statement says that 5.1 hectares are allocated “for expansion of timber processing, storage and distribution, including 1.0 ha. for a lorry park.”

79. In answer to a reporters’ request for further information, the Council provided a document entitled *Superseded Elements of Old Local Plans*. This indicates that the present intention of the Council with respect to the *Nairnshire Local Plan* is to delete various policies and actions from Chapter 4: *Nairn* in the Written Statement.

80. Allocation 12(b) is included in the list of policies to be deleted. However, the list is qualified in that the deletions apply only insofar as they relate to land within the allocations shown on Map 9 of the proposed *Highland-wide Local Development Plan*. I have compared carefully *Inset 1: NAIRN* in the *Nairnshire Local Plan* with the allocations in Map 9. As far as I can tell, the allocation of Nairn South on Map 9 excludes the whole of the area allocated as 12(b) on *Inset 1*. I find therefore that it is not the intention of the Council that allocation 12(b) is to be deleted, and that the safeguarding of land for sawmill expansion is to be maintained.

81. Against the background set out in the preceding paragraphs, I make the following further findings.

82. The sawmill is a major employer and important contributor to the local economy.

83. National policy gives strong support to economic development, as is made clear by *Scottish Planning Policy*: “Increasing sustainable economic growth is the overarching purpose of the Scottish Government.....The planning system should proactively support development that will contribute to sustainable economic growth.....” (paragraph 33). “Removing unnecessary planning barriers to business development and providing scope for expansion and growth are essential” (paragraph 45).

84. In view of the two preceding findings, the proposed *Highland-wide Local Development Plan* should seek to ensure that the sawmill continues to operate successfully.

85. The adopted *Nairnshire Local Plan* contains an allocation of 5.1 hectares for sawmill expansion. It is the intention of the Council that this allocation will continue in force.

86. The existence of the 5.1 hectares allocation immediately adjacent to Nairn South has significant implications for development of the latter, not least regarding the location and form of a buffer beyond the allocation sufficient to achieve two purposes: first, to protect the amenity of occupants of development in Nairn South and, second, to ensure that operation of the sawmill on its extended site is not hampered by having to respond to complaints about noise, dust, smell or other effects associated with large-scale timber processing.

87. In relation to Mr Allenby’s representations, I find the following.

88. A buffer can incorporate various features. Whether a buffer is too extensive depends on its effectiveness. The buffer at Nairn South should occupy no more land than is necessary to achieve the desired attenuation of sawmill impacts.

89. The criticism of the proposed buffer on the west side of Balblair Road is a reference to land designated 22(k) on *Inset 1* of the adopted *Nairnshire Local Plan*. Page 35 of the *Written Statement* describes 22(k) as “1.4 ha. at Balblair for tree planting.”

90. Comparison of *Inset 1* and Map 9 on page 51 of the proposed *Highland-wide Local Development Plan* shows that 22(k) is within the boundary of Nairn South. In terms of *Superseded Elements of Old Local Plans*, the Council intends to delete 22(k).

91. Regarding the proposed footbridge over the railway, there appears no reason why the approach ramp from Nairn South could not be adjacent to the south-east boundary of the railway line, opposite the Academy. An approach ramp in this position would occupy a small part of the existing sawmill expansion area, would leave most of the expansion area unaffected and would appear to have no adverse effect on future sawmill use of a rail siding.

92. Regarding changes since adoption of the *Nairnshire Local Plan*, most emphasis has been placed on the autistic unit at Nairn Academy. On 19 November 2007, planning permission was granted for use of the sawmill expansion area for log stacking and other purposes (application 07/00050/FULNA). Condition 1 of the permission requires a noise survey and assessment and various actions. The reason for the condition is “to ensure that there is no adverse noise impact on school students with special educational needs.”

93. If condition 1 of the planning permission achieves its object, it seems likely that any effect on the school as a whole would be acceptable.

94. The upgraded hospital on Cawdor Road is much closer to the existing sawmill site than to the extension site. There is no representation from the hospital authority regarding Nairn South. It appears likely that any sawmill impact on the hospital would arise from the existing sawmill site rather than from use of the extension area.

95. Regarding need for extension of the sawmill, the proprietors envisage increasing throughput by one-third, and indicate that continued growth is necessary to maintain competitiveness. They have obtained planning permission for an extension, and have sought to acquire the land for it.

96. There is no reason to doubt that the whole of the 5.1 hectares extension area could be required for future development of the sawmill business. On this basis, any necessary buffer should be provided on land outwith the 5.1 hectares.

97. Condition 3 of the planning permission for the sawmill extension (07/00050/FULNA) refers to earth bunds and tree-planting on the boundaries of the site. This is part of normal development management requirements relating to suitable boundary treatment for an industrial use. In contrast to this, and as already noted, the buffer would have the dual purposes of avoiding detriment to occupiers of Nairn South and of minimising complaints that might hamper operations on the extension site. Thus it is distinct from and additional to the boundary treatment required by the planning permission.

98. From my findings, and bearing particularly in mind guidance in *Scottish Planning Policy* to which I have referred, I conclude that the proposed plan should make it clear beyond any doubt that the reservation of the 5.1 hectares for sawmill expansion is to continue in force and is to be taken in to account. This should be done by adding text to the opening paragraph of Policy 18.

99. This conclusion means that I do not accept the implied suggestion in paragraphs 92 and 93 of Mr Allenby’s representation that Nairn South be extended northwards on the west side of Balblair Road.

100. Regarding a buffer, I note that Policy 18 of the proposed plan, under *Design*, says “a buffer area must be maintained between the timber yard and the development.” In the light of the representations, I conclude that this part of the policy should be more specific. It should make clear that the buffer is to be provided on land outwith the 5.1 hectare extension area. It should say what the buffer is to achieve. It need not mention a particular minimum width because width is only one of several possible components of an effective buffer. In connection with this, it would be reasonable for any ameliorating effect of the boundary treatment required by condition 3 of planning permission 07/00050/FULNA to be taken into account when designing the buffer.

101. To avoid any misunderstanding, I do not consider that the buffer should be designed to give the sawmill a “free hand” to be noisy, dusty and so on without regard to its surroundings. The sawmill should be expected to operate in a way that seeks to minimise impacts on its surroundings.

This is reflected in planning permission 07/000505/FULNA, in which conditions refer to minimising dust, controlling noise from overnight parking of lorries and prohibiting certain activities during evening and night-time hours.

102. The suggestion that there be a single masterplan for development areas on both sides of Balblair Road is addressed below, under *Development form and phasing*.

The link road

103. Representation 126 (John Gordon & Son Limited) says that transport requirements for the sawmill should be fully assimilated with development at Nairn South. The link road shown in the adopted local plan should be included in the allocation (paragraph 1.2). In future there could be 65 lorry movements per day on Balblair Road. The link road is not essential to the sawmill but could help others (4.6).

104. In a letter dated 28 October 2011, in response to my invitation to make a further submission, Messrs Gordon say that the sawmill site and the expansion site both straddle Balblair Road. Sawmill operations involve constant movement of traffic, including heavy goods vehicles, across Balblair Road.

105. Representation 220 (Mr C Allenby) says that a road link between Balblair Road and Cawdor Road should be required as a first phase of development. This link is essential (paragraph 88).

106. In its response, the Council says that it remains a possibility that a link road may be required. Further analysis of transport implications is needed.

107. I have already noted that the *Nairnshire Local Plan* allocates land on the south side of the sawmill for expansion of timber processing, storage and distribution. The south boundary of that part of the expansion area between Balblair Road and Cawdor Road is defined by the line of a proposed road. The road is given the reference 16(ii). The related text on page 34 of the *Written Statement* says that the Council will expect to enter into an agreement with developers to secure access improvements including a new distributor link between Balblair and Cawdor Roads.

108. The Council's document *Superseded Elements of Old Local Plans* indicates that the present intention of the Council with respect to the *Nairnshire Local Plan* is to delete, insofar as it relates to land within allocations shown on Map 9 of the proposed *Highland-wide Local Development Plan*, Policy 16(ii).

109. The easternmost part of the proposed distributor link between the Balblair and Cawdor Roads is within Nairn South. The rest of the link is literally borderline. In its response to the representations, the Council refers to the link under *Infrastructure Deficiencies – Transport*. From all this, I find that it is the intention of the Council that Policy 16(ii) in the adopted local plan (the distributor link) be deleted.

110. In the *Nairnshire Local Plan*, I note that provision of the link road (Policy 16(ii)) appears to be associated with closing off Balblair Road (Policy 16(i)). So far as I am aware, no-one now wishes to close off Balblair Road.

111. From inspection, I note that Balblair Road lacks adequate footways and has limited width in places. I am aware that some footway improvement is identified on behalf of Mr Allenby, but, even with this, it seems to me that the road would remain substandard, both in terms of highway design and environmental quality.

112. For those wishing to travel into Nairn from development on that part of Nairn South which is centred on Balblair Road, the shortest route would be along Balblair Road to its junction with Cawdor Road. In view of the substandard conditions along Balblair Road, I find that this would not be desirable.

113. Cawdor Road, with mooted improvements, offers a better prospect for travellers. A link road could encourage more use of Cawdor Road as opposed to Balblair Road. It would give occupiers of

the west side of Nairn South more of a choice in the matter.

114. I note that possible layouts included in submissions on behalf of both Mr Allenby (original representation, page 24) and the consortium (Transport Assessment, Appendix C) show connections between Balblair Road and Cawdor Road. These connections are in the form of residential streets, and do not include a distributor-type link.

115. My conclusions are that there should be convenient and safe access from Balblair Road to Cawdor Road, to encourage use of the latter road, rather than Balblair Road, and that this is most likely to be achieved by means of a distributor-type link road. Policy 18 should include a requirement that further consideration be given to provision of a distributor-type link road.

Development form and phasing – representations and Council response

116. Representation 220 is made on behalf of Mr C Allenby. Mr Allenby's landholdings around Balblair include the house and policies of Balblair and the adjacent agricultural land to the south-west, east and north-east (paragraph 8 of the representation). Salient points in the representation, at the hearing on 28 September 2011 and in the follow-up letter of 28 October 2011 include the following. Paragraph numbers refer to the original representation.

117. Nairn South as presented in the proposed plan does not recognise a sustainable concentric pattern of growth (paragraph 29). Nor does it recognise landscape capacity (paragraph 30). Government advice is that development should not take place on ridgelines. There is a ridgeline within Nairn South, east from Balblair House. Built development on this ridgeline is avoided in the concept put forward by Mr Allenby. This is not the case with the consortium's proposed development (letter of 28 October 2011).

118. The potential for improving footways on Balblair Road northwards from Nairn South is supported (letter of 28 October 2011).

119. It will be necessary to ensure that land either side of Balblair Road is developed with multiple access points onto Balblair Road, connecting through to Cawdor Road (paragraph 53).

120. A footbridge over the railway would provide the most direct and safe route into Nairn and on to the town centre. The approach to the footbridge from Nairn South could be supported by earth-mounding. The mounding could also act as a sound and visual barrier to the sawmill (paragraph 55). Network Rail has agreed in principle with the proposed new footbridge (letter of 28 October 2011). The position of the footbridge could be adjusted by a few metres either way. Apart from this, there is no other suitable location for it (hearing, 28 September 2011).

121. In transportation terms, it is likely that development in excess of 250 units could be achieved (paragraph 57).

122. The proposed plan designates land next to the railway as phase 3. This should be altered to phase 2. This is needed to enable good links to the surrounding area and to enable a contained and sustainable pattern of growth. The phasing in the proposed plan has not been properly explained or justified (paragraph 87).

123. The proposed plan should set out the requirement for a development framework and brief for the first phase of development (paragraph 88). A more detailed development framework and masterplan should be endorsed within the proposed plan (paragraph 91).

124. The proposed plan should not refer to nor should it endorse the Enquiry by Design process undertaken by the Scotia, Robertson and Barratt consortium (paragraphs 88 and 89).

125. A single concept masterplan should be prepared for development areas on both sides of Balblair Road. Illustrations summarise an appropriate approach, and an initial phase with about 300 dwellings is suggested (paragraph 92).

126. The concept masterplan should include requirements for:
- a new bridge over the railway;
 - a ramp up to the new bridge to form a buffer to the sawmill land;
 - a tree buffer to railway line;
 - a neighbourhood centre with community facilities and small business space;
 - mixed-tenure housing in a garden-suburb setting;
 - medium to low density housing to reflect the transition from urban/suburban to rural;
 - a buffer zone to the sawmill and its expansion space;
 - space for allotments;
 - a significant proportion of green amenity space;
 - residential streets as home zones with pedestrian priority; and
 - structure planting to reinforce landscape character and to define the setting of the development.
- (paragraph 93)

127. Representation 333 is made on behalf of the consortium of three developers. Land under the control of the consortium includes the east half of phase 2, as shown on Map 9 in the proposed plan, and most of the land between Cawdor Road and Balblair Road that is shown as phases 3 and 4.

128. The consortium has submitted an application (11/00686/FUL) for planning permission for erection of 319 dwellings. The site covers land within the south-west part of phase 2 and within phases 3 and 4 to the south of phase 2. The validity of the application has been challenged. A fresh application may be necessary.

129. The consortium's representation includes the following.

130. Phasing on Map 9 of the proposed plan should be altered. Phase 2 and adjacent parts of phases 3 and 4 to the south should be included in a phases 2 and 3 area. This area embraces the land in respect of which the application for planning permission has been made (paragraph 2.3).

131. The consortium has the ability to deliver effective housing land in the suggested phases 2 and 3 area (paragraph 2.4).

132. The outcome of an Enquiry by Design process provides the context of the Nairn South allocation (paragraph 3.2).

133. The consortium has involved the adjoining landowners on the future masterplanning for Nairn South and is willing to continue this approach (paragraph 6.1).

134. After paragraph 14.2 on page 50 of the proposed plan, a new paragraph should be inserted: Land at Nairn South will be released in the initial phases of the LDP, that is 2011-2021, to facilitate further choice in the housing market and to ensure sufficient flexibility and certainty of delivery in the supply of housing.
(paragraph 8.1)

135. In paragraph 14.12.2 on page 54 of the proposed plan, after "Phase 1" insert "and Phase 2" (paragraph 8.2).

136. The Council's response includes the following.

137. Regarding the proposed footbridge over the railway, it is not clear that there is only one possible crossing point and the views of Network Rail are not known. [Reporter's note: Network Rail's agreement in principle was intimated at the hearing on 28 September 2011.]

138. It is essential that those interested in development at Nairn South work together to deliver a development that promotes links to the town centre and provides quality living environments.

139. The proposed phasing is proportionate to the town and in line with need. The limit to development of the first phase at Nairn South will be determined by a co-ordinated masterplanning

exercise for the area outlined in Map 9. The Council's position is that of the proposed plan.

140. Landscape character is important. The Allenby representation highlights a possible way forward. The landscape assessment undertaken by the consortium should also be taken into consideration. Concentric growth must take account of the sawmill and its expansion potential and level of effectiveness of the land supply.

141. The Council does not accept that the consortium's Enquiry by Design process is not reflective of sound land use planning and urban design principles.

142. On page 50 of the proposed plan, Table 3 shows 330 house units for Nairn South in the period 2011 to 2021. On page 54, Policy 18, under *Phasing*, says that the first phase will be strictly limited to 250 houses. This seeming discrepancy was put to the Council's representative at the hearing on 28 September 2011. He explained that transport assessment work on behalf of both Mr Allenby and the consortium showed a capacity for 200 to 300 dwellings. In advance of more detailed consideration, a marker has been put down. The figure of 330 relates more to the *Housing Need and Demand Assessment*.

143. I invited John Gordon & Son Limited to submit a further representation in the light of discussion at the hearing on 28 September 2011. Their reply (letter of 28 October 2011) says that the proposed footbridge could curtail sawmill access to rail sidings. Sawmill activity must be considered as part of a fully co-ordinated planning framework for Nairn South.

Development form and phasing – conclusions

144. Mr Allenby's representation proposes a northwards extension of that part of Nairn South which is west of Balblair Road. This would encroach on part of the 5.1 hectare sawmill extension area. I have already concluded that the sawmill extension area should be retained. This means that Nairn South should not be extended as sought in the representation.

145. I find that the proposed footbridge over the railway offers a number of possible benefits. For all children of secondary school age resident in Nairn South, it would greatly facilitate access to and from Nairn Academy on foot or by bicycle. For those living in the west sector of Nairn South (those parts of Nairn South which are closer to Balblair Road than to Cawdor Road), it would provide convenient access to Roseburn Primary School and a walking route to the town centre. It would be a more attractive option than using Balblair Road.

146. The possible benefits of the proposed footbridge are ones that are supported in national policy, as shown by paragraphs 165 and 167 of *Scottish Planning Policy*.

147. Unless more detailed study demonstrates that the proposed footbridge is impracticable for some unexpected reason, I conclude that it should be seen as an essential element of development of Nairn South as a whole. Policy 18 should make reference to it accordingly.

148. It is contended that development on either side of Balblair Road should have multiple access points onto Balblair Road, connecting through to Cawdor Road. I find that access arrangements should promote ready movement between development to the west of Balblair Road and the rest of Nairn South. At the same time, use of Balblair Road by heavy goods vehicles will need to be taken into account. This is in addition to the need for a distributor-type road between Balblair Road and Cawdor Road.

149. Mr Allenby's submissions include reference to footway improvement along Balblair Road. I find it likely that development at Nairn South will generate on this road additional journeys by various modes, whatever alternatives are available. The extent to which this might necessitate improvements to Balblair Road should be assessed. Assessment could be required in terms of the last bullet point under *Transport* in Policy 18.

150. From inspection, I note that, in visual and landscape terms, Nairn South is divided into two by higher ground that forms a very gentle ridge east from Balblair House. This division is not entirely clear-cut because the ridge flattens out before it reaches Cawdor Road. Despite this, and as

contended in Mr Allenby's representation, it is a feature of significance. It should be taken into account when matters of phasing and structure landscaping are under consideration. On the question of structure planting, Mr Allenby's representation also refers to establishing planting along that side of Nairn South adjacent to the railway.

151. Development of Nairn South needs also to incorporate a buffer in relation to the sawmill.

152. My conclusion is that all of the foregoing – the footbridge, accesses on to Balblair Road, the link road, possible improvements to Balblair Road, structure planting and the buffer– demonstrate need for a single masterplanning exercise, to draw together these and other elements of the proposed mixed-use development at least insofar as the northern half of Nairn South is concerned.

153. Policy 18 says "The limit to the development of the first phase of Nairn South will be determined by a co-ordinated masterplanning exercise to be carried out for the area outlined in Map 9." This "first phase" outlined on Map 9 is denoted there as "phase 2." My conclusion in the preceding paragraph means that the masterplanning exercise described in Policy 18 must be extended to cover the northern half of the allocation. This is to ensure that further consideration is given, among other things, to the proposed footbridge, the link road, accesses on to Balblair Road (from both sides), structure planting and the buffer. These are matters that affect development on the northern part of Nairn South as a whole.

154. Both Mr Allenby and the consortium seek alterations to the phasing shown on Map 9 of the proposed plan. The Council refers to the limit to first-phase development being determined by the Policy 18 co-ordinated masterplanning exercise. The Council also says that its position regarding phasing is that of the proposed plan.

155. The extended masterplanning exercise that I conclude to be necessary should also be used to review the phasing shown on Map 9. As the proposed plan stands, land to the west of Balblair Road is not to be developed until 2021 onwards. If the masterplanning exercise were to identify the desirability of providing the footbridge at an earlier stage, this would probably point to a need to bring forward at least some development west of Balblair Road at the same time.

156. To facilitate a review of the phasing, Map 9 should be altered. The northern half of Nairn South, as far south as and including the ridge to the east of Balblair House, should be designated "Phases 2 and 3." The remainder of Nairn South should be designated "Phases 3 and 4."

157. Mr Allenby's submissions seek deletion from paragraph 14.12.1 of the proposed plan reference to the Enquiry by Design exercise. I note that the *Nairn: Enquiry by Design* report, on page 22, refers to provision of a "primary distributor road." This is the inner relief road mentioned at the hearing on 28 September 2011. The Council made it clear that it does not support this proposal. I also note, on page 26, an illustration suggesting major reconstruction of the Cawdor Road railway bridge. So far as I am aware, there is no prospect of such reconstruction.

158. It is possible that reference to the *Nairn: Enquiry by Design* report in the plan would be taken by some readers as an endorsement of the whole of the report's contents. To avoid confusion, my conclusion is that the plan should not refer to the report. This affects the first bullet point under *Design* in Policy 18, as well as paragraph 14.12.1.

159. I find that the suggested new paragraph after paragraph 14.2 would add little, if anything, to what is already said in this part of the plan. I conclude that this addition to the plan should not be made. Similarly, I conclude that there is no need to insert "Phase 2" into paragraph 14.12.2.

Reporter's recommendations:

I recommend the following modifications:

1. Alter Map 9 on page 51 by deleting the phasing shown within Nairn South and putting instead: "2 & 3" for that part of Nairn South north of and including the ridge that runs east from

Balblair House; and

“3 & 4” for the remainder of Nairn South.

2. In paragraph 14.12.1, delete the words “and conclusion of the Enquiry by Design exercise already started”.

3. In Policy 18, delete the opening paragraph and replace it with:

The Council will support the allocation of land at Nairn South for mixed-use development. The principal use will be residential. Provision for employment opportunities must also be made as part of development proposals that are submitted to the Council for approval.

This allocation is subject to further assessment of the transport and infrastructure requirements that are necessary to enable development to progress.

The northern boundary of the allocation adjoins an area of land extending to 5.1 hectares. This land is reserved in the Nairnshire Local Plan (adopted December 2000) for expansion of timber processing and other uses. It is the intention of the Council that this reservation will continue in force. The possibility that the existing sawmill on Balblair Road may expand on to this reservation must be taken in to account in the design of proposals for development in Nairn South.

In the 2011-2016 period, the commencement of a first phase will be subject to the following requirements:

4. In Policy 18, under the heading *Phasing*, delete the last sentence in the bullet point and replace it with:

The residential component of the first phase will be strictly limited to 250 houses.

5. In Policy 18, under the heading *Transport*, after the third bullet point insert:

- Consideration must be given to provision of a distributor-type link road between Balblair Road and Cawdor Road, to reduce reliance on Balblair Road as a link between Nairn South and the town centre.
- Consideration must be given to provision of a footbridge over the railway in the vicinity of Duncan Drive, to facilitate walking and cycling journeys between Nairn South and schools, the town centre and other parts of the town.

6. In Policy 18, under the heading *Natural, Cultural & Built Heritage*, delete the second bullet point and replace it with:

Development should not adversely affect the natural heritage value of the riparian corridor, should retain access to the corridor and should protect trees;

7. In Policy 18, under the heading *Design*, delete the first bullet point.

8. In Policy 18, under the heading *Design*, delete the bullet point that starts “A buffer area.....” and replace it with:

- A buffer area shall be provided within the boundary of the Nairn South allocation. The buffer area shall be designed to ensure that the amenity of occupiers in Nairn South is not affected to an unacceptable degree by noise, dust, fumes or smells likely to arise from use of the 5.1 hectares sawmill expansion site for sawmill purposes.

Note: Further modification of Policy 18 is recommended under Issue 92.

Issue 19	Smaller Settlements in the A96 Corridor	
Development plan reference:	Policy 19 (Para 15.2, Page 57)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mary Harrison (73) Nairn Suburban Community Council (94) Scottish Natural Heritage (SNH) (118) Mrs E Holland (153) D and J Piggott (208) Michael Hutcheson & Alison Lowe (226) C Stafford (272) West Nairnshire Community Council (359) P and S Wass (515)</p>		
Provision of the development plan to which the issue relates:	Smaller settlements in the A96 corridor	
Planning authority's summary of the representation(s):		
<p><u>Mary Harrison (73), Nairn Suburban Community Council (94)</u></p> <ul style="list-style-type: none"> ▪ Must add to and improve local communities without overdevelopment and dreadful architectural design. (94) ▪ The A96 Framework talks about “limited growth” – 44% increase in Croy in 10 years, 298% increase in Cawdor is not considered limited growth. Why has the 25% rule on settlement growth been dropped? (73) <p><u>D&J Piggot (208), West Nairnshire Community Council (359)</u></p> <ul style="list-style-type: none"> ▪ Survey of opinion of residents of Wester Galcantray indicated that the majority do not wish area to be identified for further development, citing the weak infrastructure e.g. access, lack of passing places and out of date drainage. Some residents reserved judgement whilst some wished the area to be allowed to be developed organically and not deemed an area of no development as long this did not impact on immediate neighbours. <p><u>Michael Hutcheson & Alison Lowe (226)</u></p> <p>Object to the content of the policy and supporting text on the basis that:</p> <ul style="list-style-type: none"> ▪ The A96 Corridor Framework and the MIR identified 5 villages for long term expansion. Auldearn has now been excluded which potentially puts increased pressure on the remaining four. No reason has been given for this deletion. ▪ The phrase “partly in line” in paragraph 15.1 is not qualified or quantified in this document, therefore it is impossible to make comment. ▪ In the policy the statements: “The Council will support the re-allocation and early completion of expansion sites etc” and “Areas identified in the adopted Inverness Local Plan for longer term growth at...Croy” are conflicting and confusing. ▪ The statement “The Council will support the long term development of Croy identified in the Inverness Local Plan subject to a masterplanning process which will address issues including extensive community consultation” is not supported by statements in policy 20 e.g. the phasing strategy and the lack of consultation. ▪ The MIR did not indicate the scale of development but policy 20 gives a detailed phasing strategy. The community has not been consulted on this proposed scale of development which is contrary to the “extensive community consultation” in policy 19. <p><u>C Stafford (272)</u></p> <ul style="list-style-type: none"> ▪ Take issue with the fact that the 'key village' of Auldearn receives no mention within the Highland-wide Local Development Plan on the grounds that this omission is contrary to and 		

inconsistent with other statements made regarding the position of key villages in the A96 Corridor Master planning work and the Main Issues Report.

E Holland (153)

- The Council “supports the growth” of settlements but do not mention the relationship to the hinterland and its relationship to this. In the case of Croy its hinterland extends into Dalcross, and close links in terms of culture, church, medical services and transport with Cawdor and Ardersier.
- Figure 6 in this document is misleading in that it does not show all land allocations in the area.

P & S Wass (515)

- Object to the amount of good quality agricultural land allocated for housing development.

SNH

- Indicate that the proposals and policy should be subject to Habitats Regulations Appraisal in combination with policy 9. (118)
- Clarification is required on whether this and subsequent policies are the same as those allocated in the existing Inverness and Nairnshire Local Plans. If they are then the policies of the existing policies of the Inverness and Nairn Local Plans should be subject to Habitats Regulation Appraisal. (118)

Modifications sought by those submitting representations:

Design and phasing are important (94)

The Council should state their policy position with respect to development in what Council describes as the 'key village' of Auldearn. (272)

Summary of responses (including reasons) by planning authority:

Nairn Suburban Community Council (94)

- Developer requirements states there has to be a consideration of design when bringing forward proposals. Land within smaller settlements is also subject to the consideration of the phasing of proposed development on infrastructure and services.
- Attention has been drawn towards the lack of compliance with Policy 2 of the Hinterland section of the [Inverness Local Plan](#) (page 58), which states that the Council will seek to ensure that house building does not generally exceed 25% of the number of existing dwellings in the settlement. It is the Council's position that the policy relating to this site supersedes that set out within the Inverness Local Plan and that the revised strategy is now more appropriate given the wider A96 Corridor context and the need to provide a generous supply of housing land

D&J Piggot (208), West Nairnshire Community Council (359)

- The area of Galcantray is not specifically identified within the plan as a small rural settlement for development and falls within the hinterland around towns area and as such any development applications would be considered under the Housing in the Countryside policy. This policy contains the potential for small scale development that comply with the Housing in the Countryside Supplementary Guidance.

Michael Hutcheson & Alison Lowe (226), C Stafford (272)

- The identification of small settlements within the proposed plan has utilised those settlements where there is still a significant remaining capacity on existing allocated sites or where an allocation of this nature was brought forward in response to the Highland wide Local Development Plan: Main Issues Report. The reference “partly in line” reflects the fact that of the four identified smaller settlements, three (Ardersier, Croy and Culloden Moor) had previous allocations from the Inverness Local Plan brought forward and reallocated within the HwLDP, whilst Cawdor was as a response to the Main Issues Report consultation. Auldearn has no significant remaining supply of allocated land, nor was any promoted by landowner

developers through the consultation stages of the Plan, further sites may be identified in the consultation on the forthcoming Inner Moray Firth LDP.

- The allocation at Croy has been the subject of consultation at various stages including the original allocation for longer term development in the consultation and preparation of the [Inverness Local Plan](#); the [A96 Growth Corridor Development Framework](#); the [Highland wide Local Development Plan: Main Issues Report](#) and the [Highland wide Local Development Plan Proposed Plan](#). In addition we understand the potential developers of the allocation have undertaken Pre-Application Consultation on this site. At both the HwLDP stage and at pre-consultation the issue is open for comment on phasing.

Mrs E Holland (153)

- The Plan seeks to protect open countryside from sporadic development through the development of allocations within new or existing settlements. The delivery of these combined with the development of policy to safeguard and promote recreational countryside. The development of allocations that underpin the base population levels have the benefit of helping to support and maintain social infrastructure and local services.
- Figure 6 only indicates the Smaller Settlements in the A96 Corridor to set the context for the consideration of their role in meeting the housing land supply.

P & S Wass (515)

- The plan preparation takes into account the presence of opportunities and constraints when formulating proposals to include within development plans. This includes the requirement to observe the presence of various factors including the loss of agricultural land.

Paragraph 19.5.1 of the Plan states:

- When defining SDAs we have taken account of a number of things, including:
 - the quality of neighbouring croft or agricultural land;
 - the type of land;
 - the ability of the landscape to allow for development;
 - the pattern of existing *settlements*; and
 - the availability of infrastructure.”
- Further, the impact of development on prime agricultural land is a key consideration within *Policy 29 Sustainable Design; also the Section on Crofting and Agriculture at paragraph 20.15.2 the text indicates “Agricultural land will be protected in line with Scottish Planning Policy”*.

Scottish Natural Heritage (118)

- The Council is progressing the Plan’s HRA in conjunction with SNH. The purpose of Policy 19 is to highlight the role that the existing expansion areas as identified in the adopted Inverness Local Plan will play in delivering an effective land supply. The intention is not to revisit the principle of development on these sites. As a result the sites will be screened in respect of the HRA, and appropriate additions, if required, suggested to the Reporter in advance of the Examination period.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

Scope of “smaller settlements”

1. Representations 226 and 272 wish Auldearn to be included as one of the “smaller settlements” in Chapter 15 of the proposed plan. Omission of Auldearn puts more pressure on the other four villages. The omission is not consistent with what has been said in previous documents, including the *A96 Growth Corridor Development Framework* and the *Main Issues Report*.
2. The Council says that settlements identified in this part of the proposed plan either have land

already allocated for development with significant remaining capacity, or have land that was brought forward in response to the *Main Issues Report*. Auldearn has no significant remaining supply of land, and, during the consultation stages of the proposed plan, no new allocation was promoted by landowners or developers.

3. I find nothing in the submissions to demonstrate that omission of an allocation at Auldearn has resulted in more development being envisaged for the other smaller settlements.

4. I have no evidence to show that, at Auldearn, there is a landowner willing to make land available for development. Without such information, there is no certainty that an allocation would be developed during the plan period. Nor do I have evidence to demonstrate that additional development at Auldearn would be desirable in relation to such factors as the landscape setting of the village, availability of infrastructure, availability of other services and transport capacity.

5. My conclusion is that Auldearn should not be made one of the smaller settlements in Chapter 15 of the proposed plan. This does not preclude anyone coming forward with proposals for Auldearn during the preparation of the Inner Moray Firth Local Development Plan.

6. Representations 208 and 359 express concern about inclusion of Wester Galcantray in the proposed plan. In response, the Council says that Wester Galcantray is not specifically identified as a small rural settlement for development. As the plan is not promoting development at Wester Galcantray, my conclusion is that no modification of the plan is necessary.

Paragraph 15.1

7. Representation 226 says that, in paragraph 15.1, the meaning of “partly in line” is not clear. The Council’s response gives an explanation. I find that the meaning of this part of paragraph 15.1 is not entirely clear. The text should be adjusted in accordance with the Council’s explanation.

Scale of development

8. Representations 73, 94, 226 and 515 express concerns about the scale of development envisaged for the smaller settlements. The *Main Issues Report* gave no indication of what the scale of development would be. The *A96 Framework*, cited in paragraph 15.1 of the proposed plan, had referred to “limited growth.” The Croy and Cawdor proposals are not “limited.” The *Inverness Local Plan* limits the number of new dwellings in villages to an amount equal to no more than 25% of the number of existing dwellings in a ten-year period. This policy should be included in the proposed plan. Representation 300 (assigned to Issue 20) expresses similar concern.

9. The Council’s response includes reference to remaining capacity within existing allocations, consultations, the A96 corridor context and need for a generous supply of housing land.

10. I note that the *Main Issues Report* (page 22) refers to identifying the potential for growth of the smaller villages in the A96 corridor and to identifying the appropriate scale of development that may be expected. Comments on this were sought.

11. I note that the *A96 Growth Corridor Development Framework* (page 13) includes the following.

Further development proposals establish that some limited growth of smaller settlements across the Corridor to meet local need will be essential. The Framework identifies Auldearn, Ardersier, Cawdor, Croy and Culloden Moor as appropriate locations for these.

The *Framework* (page 3) also refers to a strategy that included “growth of existing smaller settlements.....accommodating up to 3,000 people.” These settlements are within the “Central Development Zone” (map on page 33). The phasing matrix (page 35) foresees construction of 1,044 (202+202+323+317) dwellings in the Central Zone in the period from 2011 to 2031.

12. From this, I find that “limited growth” in the context of the growth corridor means an amount of

development that might be considered fairly significant elsewhere.

13. Policies 20 to 23 of the proposed plan indicate numbers of dwellings that might be built in the four smaller settlements in the period from 2011 to 2031. The total for all four is 650 (150+160+55+285) dwellings. This is less than the figure of 1,044 for the Central Zone. The difference may be due to the omission of Auldearn. Whether or not that is the case, my conclusion is that the scale of development put forward in the proposed *Highland-wide Local Development Plan* is not out of keeping with what is in the *Framework*.

14. Regarding the “25% in ten years” limit, I find that this is a general policy which applies to a variety of communities – local centres, key villages and small settlements – across a wide area. The A96 corridor is distinct from this because it has been identified as a growth area. My conclusion is that the 25% limit need not be retained in the A96 corridor.

15. The representations make reference to the amount of development proposed for particular communities among the smaller settlements. I consider the appropriateness of individual allocations under issues 20 to 23 of this report.

Policy 19

16. Representation 226 says that Policy 19 contains statements that are conflicting and confusing. The policy refers to consultation, but there has been a lack of consultation. In response, the Council gives an explanation and refers to consultation that has taken place.

17. I note that the first sentence of Policy 19 expresses support for development of sites in the current adopted local plans and the second sentence supports development of certain other areas. I find that the policy is clear in these respects.

18. Policy 19 goes on to refer to:
a masterplanning process which will address issues including: extensive community consultation; servicing; phasing and landscape impact, and the site specific factors listed in the policies below.

I find that this text, by use of the future tense “will address,” is setting out what will happen, not what has happened. Whatever consultation there may have been in the past, the Council’s intention is that that there will be extensive community consultation as part of the action that is yet to be taken.

19. My conclusion is that there is no need to alter the policy.

Agricultural land

20. Representation 515 says that too much land, especially good quality agricultural land, is allocated for housing development. In its response, the Council says that loss of agricultural land has been taken into account. The proposed plan seeks to protect agricultural land.

21. I note that the representation does not include evidence to show the extent to which growth proposed for the smaller settlements would encroach on good quality agricultural land. Nor is there evidence to show whether growth deemed to be necessary could be acceptably directed to land of lesser quality or to brownfield land. My conclusion is that the plan need not be modified.

Hinterland

22. Representation 153 says that there is no mention of the hinterlands of the settlements. Hinterlands are an integral part of most long-established settlements. That of Croy extends into Dalcross and elsewhere. The Council’s response includes reference to protection of open countryside and maintenance of local services.

23. I find nothing in Policy 19 and its supporting text to indicate that envisaged development would interfere with the functioning of the hinterlands associated with the smaller settlements. Evidence does not demonstrate that the proposed plan should make specific mention of hinterlands. My conclusion is that the plan need not be modified.

Design

24. Representation 94 says that growth of the smaller settlements must avoid dreadful architectural design. In response, the Council says that design is a developer requirement. I note that Policy 30: *Design Quality and Place-making* seeks a high quality of design. This addresses the concern in the representation.

Figure 6

25. Representation 153 says that Figure 6 is misleading. Not all allocations are shown. For example, the allocations at Tornagrain and Culloden Moor are missing. In response, the Council says that Figure 6 only indicates the smaller settlements in the A96 corridor, to set the context for consideration of their role in relation to the housing land supply.

26. I find that the style and content of Figure 6 indicate that its purposes are to show, first, which communities are “smaller settlements” and, second, the location of these communities. For an impression of the allocations, the reader can refer to Figure 5. My conclusion is that the plan need not be modified.

Habitats Regulations Appraisal

27. At the time of its original representation (118), Scottish Natural Heritage was awaiting the outcome of the Council’s Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. In a letter dated 3 October 2011, Scottish Natural Heritage, in the light of the *Appraisal* record and proposed mitigation, withdrew its representation regarding Policy 19. In doing so, it made the following comment.

Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.

28. I note that the representation has been withdrawn.

Reporter’s recommendation:

I recommend the following modification:

In paragraph 15.1, delete the second sentence and put in its place:

This Plan reaffirms that spatial strategy and supports the growth of the smaller settlements identified in Figure 6. Allocations for development at Ardersier, Croy and Culloden Moor were previously contained in the Inverness Local Plan. An allocation at Cawdor is made following consideration of responses to the Main Issues Report.

Issue 20	Croy Expansion	
Development plan reference:	Policy 20 (Para 15.4, Page 58)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (HSE) (53) Mary Harrison (73) Mrs H Rask (92) Scottish Natural Heritage (SNH) (118) Mrs E Holland (153) Julian Walford (155) Croy Community Council (218) Michael Hutcheson & Alison Lowe (226) C Stafford (272) Scottish Wildlife Trust (285) J G Walford (300) Scottish Environment Protection Agency (SEPA) (326)	J Alami-Merrouni (336) Mrs Rosemary Greenlaw (342) Alliance Planning for Church of Scotland General Trustees (345) Stuart & Faye Lingard (348) C MacKenzie (351) Ms Linda Stuart (363) Magda Utton (364) J Merrouni (397) EMAC Planning for Scotia Homes (456) Carol Walford (475) Charles Quinnell (503) A & M Baxter (511)	
Provision of the development plan to which the issue relates:	Expansion of Croy	
Planning authority's summary of the representation(s):		
<p><u>Charles Quinnell (503)</u></p> <ul style="list-style-type: none"> • The village currently has some 260 houses. Scotia plan to increase that by around 100, phased over 10 years. This is too large scale for a village, and not in keeping with the character of the area. There are also concerns about the density of the development, which would bear more of a resemblance to suburbia than the countryside. (503) • Concerned that Scotia's proposals as seen, show an incompetence in terms of their infrastructure - particularly in reference to their suds pond. They plan to drain an area of bog through which the Croy Burn meanders, to incorporate this ground into their development. This is a crucial part of the system of the burn, and I am very concerned that their proposals will lead to increased flooding, and to pollution of Loch Flemington, recently restored after pollution. I would ask that this boggy area of ground is excluded from any development on environmental grounds. (503) • The traffic on the roads around Croy is already heavier than is sensible, with many of the roads themselves downright dangerous, and unsuited to the volume of traffic currently on them. The proposed development would only make that worse - particularly in light of other proposed expansion in Cawdor, Ardersier, Nairn and Inverness, plus the looming possibility of a new town at Torr na Greine. (503) • There is some confusion as to the status of a portion of the land that Scotia are seeking to build upon, as it appears to be differently designated in different plans. It is the wish of all the people in the village that I have spoken to, that this land (between Dalcroy Road and School Brae) is kept as green space, for amenity use. May I also add that the confusing labyrinth of conflicting plans pertaining to planning in the Highlands at the moment serves only to frustrate the public about a subject that is highly important. The lack of clarity in the planning system is anti-democratic, and disenfranchises many who do not have the time or the skill to wade through a mire of paperwork calculated to render the public confused. (503) • Believe that the proposed development is in contravention of the stated Council plan, which states that villages should not grow by more than 25% over 10 years. I am not anti-development per se, but would like to see the village remain a village as the currently very close-knit community would recognise a village. (503) • Many in the village are unhappy with this proposal, and feel that their views have not been 		

listened to by Scotia in various public meetings and presentations held in the village. Their representatives have come across as arrogant, high-handed, and have sought to bully the community. This has caused much anger. (503)

- Several neighbours are considering - or indeed in the process of - selling up and leaving Croy due to Scotia's proposals. I include myself - a young and active man - in their numbers. I chose to live in Croy because it is a small rural community. I grew up in such a community, and felt comfortable in Croy. I see no valid reason for this to be threatened in the way Scotia are proposing. Their development is driven purely by grandiose avarice, and not by their falsely stated wish to improve a village that they know very little about. In fact they are driving people away from a thriving community, and therefore damaging it, rather than improving it. (503)
- The presumption to "develop" on the scale proposed - not only in Croy but in the so-called A96 "Growth Corridor" on prime arable land, is profoundly ill conceived. Such land is at a premium in the Highlands. And as for a Growth Corridor, there's plenty growing in it as it is. Building on it would reduce that, not increase it. (503)

E Holland (153)

- The land allocations at Tornagrain and Mid Coull and the extension of the Croy settlement will lead to its boundary being in close proximity to that of Tornagrain. (153)
- The development of 40 houses was completed in Croy from 2006- 2008 and is still being assimilated into the village. To commence further development in 2011 does seem precipitate; to add 1 00 houses in a ten year period is an increase of around 50%. The Council's own guideline is a 25% increase in ten years. Why this departure from the norm?
- Such an increase would overwhelm the community's resources including a community owned hall run by volunteers.
- The site identified on map 1 0 clearly occupies an area equivalent to more than half the size of the present built-up area. Part of it is formed by a steep incline dropping away from the B9006 and a boggy area where springs rise to source the Croy Bum. Even the Development Plan Manager admits that it is "undevelopable". Why has it been included?
- Road access to this site would be through the latest development on to a single track lane with passing places, or on to the Croy by-pass (where traffic travels at speed) just to the east of a dangerous blind bend.
- Bus services in the area are presently being curtailed.
- As to "Housing" I made clear earlier that I think "affordable housing" is a contradiction in terms and, whatever percentage is decided on, this development will be beyond the reach of many local working people.

J Alami-Merrouni (336)

- Extremely concerned about the proposals for Croy village. The 2008 Scotia development of 40 houses gave the village considerable growth however the proposals for 100 houses over the next 10 years are not in keeping with the village. The houses are crammed together making the density double that of the existing Scotia development. (336), (153)

Scottish Wildlife Trust (285)

- Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy (58). Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access. (285)

J Merrouni (397)

- Feels the scale of development is excessive (would like to keep Croy a small pretty village and is concerned about the cost of development to the Council (waste collection etc). Would like additional tree planting which would encourage wildlife (but does not understand the Green networks and open space requirements). There is a whispering stone off the B9006 in Croy. There have been sightings of badgers, hedgehogs and bats in the area, and is concerned that development will reduce the wildlife. Would like a definition for affordable. Concerned that there is nothing in Scotia's plans that will prevent further flooding and damage Loch Flemington. (397)

Mrs H Rask (92)

- Considers that 100 new houses in Croy environs in the next ten years should be a maximum. The heart of the community will be sustained by carefully planned and phased development which will not alienated or threaten existing residents by their size. Gradual expansion is desirable. Also has concern regarding ability of existing roads and infrastructure to cope with rapid increases in traffic volume particularly road from Croy to the airport roundabout. (92)

A & M Baxter (511)

- Is there a true need for the proposed level and type of development for the foreseeable future. (511)
- Raises concerns regarding the infrastructure for the area, with no investment from Transport Scotland, also concerns regarding the impact of high water table, flooding and SUDS. Concerns exist as to factoring agreements for open space associated with development as evidenced by concerns at the recent Croy development. (511)

J Alami-Merrouni (336)

- Concern about the proposed SUDS pond and footpath in the area next to the school which is a very boggy area and totally inappropriate & great concern over flooding in this area and the overflow which leads into Loch Flemington (336)
- Lack of green open space in between the proposed residential houses which does not follow the character of the village (336)
- Lack of demand for new houses given current housing market situation (336)
- Concern regarding the increase in traffic that will be generated i.e. most are likely to have 2 cars. These roads, namely the Croy airport single track road and B9006 (Culloden Road) are all subject to accidents. Developing this area would cause further stress on public services i.e. waste collection/ road gritting/ emergency services. (336)

Mrs Rosemary Greenlaw (342), A & M Baxter (511)

- The proposal from Scotia is alarming, understand the need to zone for housing development in this area, however:
 - The area of land between Dalcroy Road and the present development at Ardgowan/ School Brae is not included in the expansion area shown on the map on your letter. Can you confirm this is the case, and give an assurance that this land will not be approved for building, either under Scotia Homes proposals or in any future planning applications? In other words can you confirm that development will only be approved in the area on the map?
 - There is no indication of the level and/or density of development likely to meet with planning approval. Can we be assured that in a small rural village such as Croy, only sensitive and appropriate developments would be approved? Under the Inverness Local Plan, villages such as Croy were to be limited to 25% growth every ten years. Does the same restriction apply under the proposed Local Development Plan, proposals appear to be around 44%? (342, 511)

C MacKenzie (351)

- Request to keep flats and industrial buildings away from boundary area at end of Dalcroy Road due to end gardens for retirement houses. Keen also to maintain Croy's village feel (351)

Stuart & Faye Lingard (348)

- Question the need for this level of development in the context of Market demand and wider economic constraints (348).

Magda Utton(364)

- Acres of green belt have already disappeared because of the demand for housing: where are all the people coming from and where will the industry come from to support this number (364).

Health and Safety Executive (53)

- This area may have either hazardous installations and/or pipelines whose consultation

distances may encroach on development areas. (53)

Ms Linda Stuart (363)

- Concern that 101 houses over next 10 years is excessive. Existing Local Plan limit of 25% would equate to no more than 58 houses. (363)
- Creation of a pond within bog area may lead to flooding and if mismanaged, may have adverse effects on Loch Flemington. Already flooding events to rear of Dalcroy Road. (363)
- Do not wish to see further high density development like that on Ardicroy Road as it causes parking problems and problems with bin lorries etc. (363)
- Question the requirement for additional shops within Croy. Doctors surgery required instead. Privacy concerns as shops & parking will be directly behind my house and will attract youngsters. Should be screening between Dalcroy Road and new development (363)
- Roads into Croy require upgrading before any additional houses - airport road, Manse Brae road - and access to/from B9006 which has road safety implications. (363)
- Objects to proposed path down the side of 27 Dalcroy Road which would be adjacent to where car is parked and thus likely to attract vandals. Would also result in loss of green space and would require additional car parking spaces at Dalcroy Road. (363)
- The existing sewage treatment works would not be able to cope with 101 new houses and so would need upgrading. (363)

Magda Utton (364)

- Would like Croy to remain small village community and not expand into a large village development. (363). Croy doesn't need any more expansion and we already have our fair share of council houses (364). The proposed housing development is far denser than some of the settlements that exist already (364). This would ruin the whole identity of Croy (364).

A & M Baxter (511)

- I understand the nearby proposals at Tornagrain are for some 800 houses in the next 10 years and would take pressure away from smaller settlements such as Croy, would question the need for large allocation therefore at Croy. (511)

Croy Community Council (218)

- Concerns over sustainability of proposals given the travel to work patterns of future residents. Local and strategic road upgrades should be put in place as should rail improvements between Inverness and Aberdeen.
- There is no indication that the general infrastructure of the region (medical, education, social work, police, care for the elderly etc) is going to keep pace with the quantity of housebuilding proposed.
- Feel that in the HWLDP there has not been clear justification for the large number of houses proposed. The whole concept is speculative.
- There is a widespread and long adopted Council Planning policy of not permitting more than a 25% increase in community size within a given 10 year period. This seems to us to be reasonable as it allows integration in the community. We object to the phasing strategy proposed for Croy as there is every indication at present that the phasing strategy proposed is far in excess of this. The majority of the community has expressed concern at the number of houses in Highland Council Phasing proposal. If the Highland Council adhered to the 25% figure we are led to believe that this would match very closely to the capacity of the Croy sewage works.
- There has been no great consideration of the expansion boundaries for both Sunnyside and Croy. For Croy, we feel that the boundary encompasses land that is unsuitable for development on part of the site. We feel that HC planning department should ascertain the views of the local community before putting boundaries on plans. There are several other areas of land within the boundary that are still available for development.

Croy Community Council - Note of meeting on 08.11.10 (218)

- Drainage is a major issue, SEPA & Council's flood team need to be actively engaged in the determination of the planning application

- Part of the site is undevelopable, the whole site should not be used to calculate density levels
- Density levels too high - not in keeping with Croy
- Plot sizes are too small to allow people the opportunity for effective gardens
- HNDA - perception is there is not the level of demand the Council are adopting, particularly taking into account the number of houses for sale in the immediate area
- Plot ratios are too small
- Roads requirements seem to be different for single houses and for developer led proposals re turning ability
- Critics of pre-application consultation - key themes of drainage, wildlife and density have not been taken on board
- Traffic impacts - both in terms of B9006 but also Mid Coull Road/ School Brae. Safety must be a paramount consideration.
- Impacts on Loch Flemington - risks to the status of the waterbody, and impact on wildlife
- Concern over need, particularly in the context of approval at East Inverness, and proposals at Tornagrain
- Local Plan context
- Other general concerns raised re rate of development, flooding, accident rates on surrounding roads, disregard for pre-application consultation, education capacity in Croy for primary and nursery users

Michael Hutcheson & Alison Lowe (226)

- Part of the site is not suitable for development and object to that part of the expansion site being included. It would appear that the Council has not assessed the suitability of the site. (226)
- For the purposes of delineating expansion sites, the HwLDP is the document to deal with principles of all proposals to come forward and look at the overall picture presented by these proposals. The site at Home Farm should also be included in the HwLDP. (226)
- Do not support the phasing strategy in this policy; it is contrary to Council policy, statements and recommendations, it represents overdevelopment and has not been subject to community consultation. It is far in excess of the 25% restriction on growth policy in the current Inverness Local Plan. This 25% policy has not been actively rescinded in the HwLDP. The MIR did not give any indication of house numbers and therefore the local community has not been consulted on this. This development does not represent sensitive village expansion as quoted in the Inverness Local Plan (ch6 page 58). It would appear that the phasing strategy has been informed by the developer and not the community (226)
- Area marked 4 in Croy in the Inverness Local Plan does not appear to be included in the Proposed Plan. (226)
- Transport: The Mid Coull to Croy single track road will be adversely impacted upon and any transport statement must take into account the overall impact from both of these future potential developments as part of the overall strategy for the area. Policy 20 does not take into account the current planning application at the new town of Tornagrain only 800 metres from the Croy boundary with a first phase of 304 dwellings. The policy also does not take account of the increase in traffic from other smaller settlements which will use the B9006. Believe that it was the Planning Department's intention to provide infrastructure first before any development. (226)
- All SUDS proposals should be compliant with 'Sewers for Scotland 2' and be of a standard to become adoptable by Scottish Water. In 'Open Spaces in New Residential Developments – Supplementary Guidance' it advises that open spaces including SUDs facilities should ultimately become the economic responsibility of the home owners in the development. This could place an unacceptable economic burden on home owners therefore they should be adopted by either Scottish Water or Highland Council Roads Department as part of Highland Council planning policy and be included in the HwLDP. (226)

Alliance Planning for Church of Scotland General Trustees (345)

- Seek inclusion of 3 parcels of land within an overall expansion for development to the north of the village and re-inclusion of an existing allocated site. All these sites are deemed as being effective in land supply terms (345)

Mary Harrison (73)

- Does not believe new development in Croy is sustainable as it has no employment and residents will commute. There is no Public transport between Croy and Nairn and it is infrequent and slow to Inverness.(73)
- No major development should be allowed in Croy until full infrastructure particularly road upgrades have been implemented. The full infrastructure improvement plan for road, sewage etc must be funded and agreed. (73)
- The A96 Framework talks about “limited growth” – 44% increase in Croy in 10 years, 298% increase in Cawdor is not considered limited growth.(73)
- Preference for the number of residential units to be inline with the 25% rule i.e. 58 houses in 10 years. The numbers must not be exceeded in any case. It is proposed that Croy will increase by 45% in 10 years while Ardersier only 10%. As Ardersier has better infrastructure, this seems unreasonable and illogical.(73)
- If Tornagrain is developed in will provide 844 houses in 10 years, so why does Croy need 100 in this period. It seems like even more development pressure. Tornagrain should not be allowed to proceed until the A96 airport roundabout and the road to Croy has been upgraded. (73)

Scottish Natural Heritage (118)

- The proposal and policy should be subject to Habitats Regulations Appraisal. (118)
- Under Natural, Built and Cultural Heritage element of the policy reference should be made to the protection of Kildrummie Kames SSSI. (118)

Carol Walford (475)

- Objects to the Council’s support for this development as it does not meet with the requirement set out in paragraph 8.1 of the Proposed Plan to ensure that development is directed in the first instance to places with sufficient existing or planned infrastructure and facilities to support sustainable development:
 - The waste water treatments plant only has spare capacity of 68 houses and there is already outline planning permission for 8 houses.
 - The unclassified Mid Coul Road from Croy to the A96 is a single track road and inadequate as a commuter route (photos enclosed as attachment 2 of the representation). However it is the quickest route to Inverness (attachment 3 of the representation) and the Council’s TEC services share the community’s concerns about this road (see attachment 4 of the representation).
 - The development will not be sustainable as residents will need cars to access work, supermarkets and other services. Runs counter to the Sustainable Housing Design for Scotland recommendation that “housing should be located close to employment and services”. (475)
- The Inverness, Nairn and A96 Corridor Transport Study (September 2009) proposes “A96 Ardersier Junction to Airport – ban right turn” (part 1 page 7). Object to this proposed intervention. (475)
- Paragraph 4.2.2 (Vision) promises to “ensure that the special quality of the natural, built and cultural environment is protected and enhanced”. Croy offers the only view of the Black Isle, Moray Firth and Fort George from the B9006 and is a major tourist route between Culloden Battlefield and Cawdor Castle. Once the expansion site is developed housing will block this view. (See photos enclosed in attachment 5 of the representation). (475)
- The number of houses proposed in the period 2011-2021 is 100 and this is significantly above the 25% growth limit in the Inverness Local Plan seek its continued inclusion. A copy of a petition to honour the “25% rule” in Croy is attached to the representation. It would increase the size of the village by 44%. This would overwhelm the existing village. Alternative phasing is suggested which would still deliver 130 houses by 2031. This slower growth makes more sense in the current economic climate. The proposed scale of development also places an unfair burden on the village. An unfair burden is also placed on Cawdor and Culloden Moor,

yet the largest of the four villages – Ardersier – has a negligible rate of growth. (475 + attached petition)

- Map 10 gives no indication of the size of the expansion site. 3 hectares of land is unsuitable for housing for reasons of topography and drainage. This should not be included in the expansion site as it allows a developer to count this land as amenity in order to build at much higher density on the remainder of the site. If this 3 ha is omitted it still leaves 11.4 ha. So if 14.4 ha has capacity for 150 houses then 11.4 ha should therefore only have capacity for 120 houses at about the same density. (475)
- The UK Strategic Defence Review may lead to lots of empty housing stock, in light of this should the significant expansion of the smaller settlements not be reconsidered? (475)

Julian Walford (155)

- Agree with the principle of additional housing in these settlements, I object to 'reallocation' if that means that all the expansion is allocated to housing, and none is planned for other uses contributing to employment and the provision of local village services. (155)
- This is not sustainable development, and I object strongly to Croy becoming just a commuter suburb, with few services. I agree with the principle of 'masterplanning' and believe it should address these issues specifically. See PAN-83 (Scottish Govt.) which notes that masterplanning includes collaboration with the communities concerned. (155)
- also object to 'early completion' if this means an expansion rate which is inappropriately high for the communities concerned. In the absence of guidance from the Scottish Government as regards rural housing density, and in the light of the overall low population density in the Highland area, it is important that Highland Council sets its own high standards as regards acceptable local rural housing. (155)
- object to alien city-style densities and house types in rural villages. Previous local plans have indicated on maps the use (e.g. residential, mixed, etc) and the capacity of expansion sites. Object as the Plan no longer does this. The A96 Framework was accepted by the Council on the basis of only limited expansion of the 'smaller settlements'. (155)
- object to this Framework being re-interpreted as the substantial expansion now detailed in the Plan. (155)
- support Policy 19 particularly 'masterplanning' and 'community consultation' but only if the masterplanning is done properly over the full settlement area, and that the consultation response by the community is not ignored. (155)

EMAC Planning (representing Scotia Homes) (456)

- EMAC Planning for Scotia Homes support the Proposed Plan's commitment to identifying Croy as one of the smaller settlements in the A96 Corridor to contribute to the overall supply of housing in the area is supported (456)
- Scotia Homes Ltd is generally supportive of the proposals and would only seek consideration of a change to the proposals map to include land to the west of Dalcroy Road within the overall mixed use designation (456)
- Generally support the identified requirements of the Policy and will seek to provide these where they reasonably relate in scale and kind to the development allocation and suggested phasing in the LDP (456)
- Scotia's current proposal indicates a mixed use and residential development including 93 dwellings and 4 commercial buildings. The first phase would accord with the Proposed Plan. Scotia endorse the allocation as a mixed use development. The proposed application will also provide for commercial units, community uses and substantial areas of open space (456)
- A number of alternations have been made to the proposal as a result of community engagement including a reduction in the number/density of dwellings, incorporation of a green buffer, relocation of commercial units and an open space provision which exceeds the Council's requirements (456)
- Land to the West of Dalcroy Road (Areas 6 & 9 of the Inverness Local Plan) is included within the settlement boundary of Croy as identified on Map 10 but not for a particular land use. It is requested that this land is incorporated in the wider designation and identified for mixed use. Inclusion of this land within the mixed use designation would allow its future development to be resolved through community consultation (456)

SEPA (326)

- SEPA object to this policy unless the policy includes a developer requirement that, dependant on the specific location in relation to the minor watercourse, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to within the functional floodplain as defined by Scottish Planning Policy.

JG Walford (300)

- Objection to Croy village, especially in regard to the following matters:
 - The scale and phasing of the expansion, in housing and population terms, of the village;
 - The inadequacy of the road system, and of the transport infrastructure generally, on which
 - the village currently depends - and the apparent absence of a strategy to address these
 - shortcomings on an appropriate timescale;
 - The status in-planning terms, of the area of land, currently-undeveloped, between Dalcroy Road and the top (south-east) end of the recently built Ardgowan housing estate;
 - A lack of clarity as to the requirements for the surface water drainage system (SuDS) to be provided on the Croy Expansion Site.(300)

C Stafford (272)

- The numbers set out in the phasing strategy 15.4.1 for Croy Village on the grounds that they are too generous and neither appropriate to the strategic premise for the HwLDP (A96 Corridor framework which is underpinned by approval for the A96 Master Plan work) nor proven in terms of a specific link to the HNDA - being part of the large Inverness HMA. (272)
- Any housing allocation in the village (s) must honour the strategic premise of limited growth, take place over the long term and not be reassessed to a 20 yr timeframe. Any move away would necessitate a total re-evaluation of the A96 Corridor Development Strategy and the roles that areas are expected to contribute to the wider strategy. (272)
- Take issue with the statement made under HwLDP Policy 19," The Council will also support the development of the areas identified in the adopted Inverness Local Plan for longer term growth at. .. Croy ... " on the grounds that:
 - The site shown, 15.5 Map 10 Croy Expansion, was included in the adopted Inverness Local Plan subject to the policy provisions and rules in operation at that time, and the usefulness or otherwise of the site for long term expansion within this plan period should be revaluated;
 - Allocation of the site through the HwLDP in advance of other sites when a development interest is bringing forward a planning application on that site is not appropriate;
 - Allocation of only one site in village through HwLDP is not strategic

Julian Walford (155)

- I object strongly to the inadequacies of Policy 20 as drafted, as stated below, as expansion will not be sustainable. Whilst I support expansion at Croy, I object strongly to the proposed rate of housing expansion as it is too high for the size of village and should be limited to a total in the settlement of 25% per decade as per the current local plan. Policy 20 must be amended to include this requirement. If anywhere should expand more it is Ardersier, where there are good road links (three roads mostly dual track to **A96**), a good bus service, and many more shops and services. As Tornagrain is being built with just 1 km between its edge and the edge of Croy, it does not seem appropriate to expand Croy so much. Furthermore I object strongly to all the land being used for housing. Due account needs to be taken of the history of expansion at Croy. (155)

Modifications sought by those submitting representations:

- Seek linkages to be built between policies 58 Natural, Built and Cultural Heritage, Green Networks, 75 Green Networks and 76 Open Space (285)
- Include developer requirement in the Natural, Built and Cultural Heritage section on protection of Kildrummie Kames SSSI. (118)
- Policy should refer to Map 10 rather than Map 11 (456)
- Action sought: That the phasing strategy as set out in 15.4.1 should be revised as set out below:

	2011-2016	2016-2021	2021-2026	2026-2031
Residential	0	Tba*	Tba*	Tba*

Tba* in relation to actions sought in Issue 'Allocation of Croy village Expansion site' (272)

- Deferral of allocation of the site or any part of this site until:
 - (i) A landscape character assessment - HwLDP 19.5.2 - is done, (a) to ensure that character enhancing development could be delivered (for the village as a whole) evenly over the expansion site and (b) to reduce the risk of inappropriately density development on potentially limited 'usable' areas of the site (c) to help the process of managing change (d) to allow community involvement not related to specific developer activity.
 - (ii) In line with (i), a village Design Statement is prepared to take into account the views of the existing community as to how they see their environment changing, rather than this agenda being set by commenting on development proposals brought forward 'in their image' by development interests - see 1 (b);
 - (iii) The Buffer zone between the proposed new town at Tornagrain and Croy village is established to clearly define both settlements and to ensure no coalescence
 - (iv) More consideration is given to the 'accessible rural' nature of the village and the effect of diffuse journeys to and from the village on climate change policy and sustainability;
 - (v) The potential reallocation of this expansion site can be considered alongside other sites (a) which have already been submitted for consideration under the HwLDP and deferred by the council to be considered through the IMF LDP MIR or (b) could be brought forward via the Main Issues Report for the forthcoming IMF LDP to ensure that, taken as a whole, proposals for land allocations are not to the detriment of the rural character of the village;
 - (vi) The rate of growth can be considered carefully so that imbalances in the social structure are avoided;
 - (vii) The aspirations of the landowner can be assessed to ensure that development could be delivered evenly on the whole of this site thus ensuring that maximum opportunity is provided for any expansion to integrate with the existing settlement's form and function;
 - (viii) The Sept 2010 Corridor Transport Study should be expanded to include development at other settlements

Summary of responses (including reasons) by planning authority:Rationale for Allocation

- This land benefits from an allocation in the adopted Local Plan (the [Inverness Local Plan 2006](#) – Written Statement Page 68 and Map Booklet Page 7) which safeguards it for the long term expansion of the village including possible village centre, residential, business and commercial uses. As can be seen on the proposals map, the potential access points are also shown.
- The adopted Local Plan position reflected the fact that Croy is well placed for important and diverse employment locations east of Inverness and there were no significant capacity restrictions in services. The assessment set under section 10.2 (Page 67) is still relevant in identifying the factors which determine the most opportunities for development. Land to the west of the village was highlighted as suitable for development (para 10.3).
- Housing development in the site identified as 10 (2.5 ha west of Croy) in the adopted Local Plan was granted planning permission in August 2006 for 40 houses. This development is

now complete and is integrated into the rest of the community.

- The [A96 Corridor Framework](#) which was approved as supplementary guidance by the Council in 2007 identified the potential for the smaller settlements in the A96 Corridor to contribute to future development. Figure 2 identifies Culloden Moor, Croy, Cawdor, Auldearn and Ardersier as Village Expansion locations and the outline for Cory includes this expansion area. The supporting text indicates that detailed allocations would be brought through the statutory development plans.
- The potential of these locations to deliver additional housing was highlighted in the Main Issues Report and a commitment to identify the appropriate scale of development that could be expected.
- As indicated in the representation received from Scotia Homes, there is active developer interest in the site, which dates back from pre-application discussions held with the Council in January 2010. A copy of the pre-application advice offered is [available](#).
- The Proposed Plan Policy 20 relates to the Croy Expansion site identified in the Inverness Local Plan 2006, but provides a greater degree of detail on the developer requirements associated with it. These developer requirements have been informed by an appraisal of the site, discussions with relevant Council Services and agencies, the prospective developers and from the concerns of the community as raised in various discussions in the run up to the Proposed Plan.
- In regard to the impact of the loss of airbases in Moray, the study undertaken by [Reference Economic Consultants](#) indicates that in 2005 3% of Kinloss and 1% of Lossiemouth civilian staff lived in Inverness & Nairn. There are rules about military personnel living in close proximity to their base and it is unlikely therefore that more than 30-40 base staff are resident in Highland, across the corridor area this is not seen as significant to the housing market..

Phasing of Development

- The Council has set out a phasing plan within Policy 20 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 (as set out under Issue 86). There is a clear requirement set out in policy for any development to meet this phasing strategy, and recognition that any development beyond 2021 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.
- Much attention has been drawn towards the lack of compliance with Policy 2 of the Hinterland section of the [Inverness Local Plan](#) (page 58), which states that the Council will seek to ensure that housebuilding does not generally exceed 25% of the number of existing dwellings in the settlement. It is the Council's position that the policy relating to this site supersedes that set out within the Inverness Local Plan and that the revised strategy is now more appropriate given the wider A96 Corridor context and the need to provide a generous supply of housing land. The phasing strategy as set out is greater than 25% but 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.
- 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 over the last five years.
- It is recognised that there are other sites in the village allocated in the Inverness Local Plan that have not yet come forward for development (allocation 4 is dealt with under alternative sites below). The addition of the site allocated under Policy 20 will add to the range and choice of sites in the village, and it is regarded as an effective site in that it has an active development interest, and no major infrastructure constraints. That said, the reporter may wish to consider whether a revised phasing schedule should be put in place.

Infrastructure Deficiencies

- A number of respondents have commented on the impact of this development on a whole range of infrastructure issues, including transport, drainage and community facilities. The developer requirements set within Policy 20 seek to address many of the concerns raised. The pre-application advice offered for the site involved detailed discussion with other Council services and other agencies. No major issues were raised that questioned the principle of development on the site. Rather, issues were raised to be addressed by any developer.

- 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.
- The model used to prepare the [A96 Corridor Transport Study](#) (September 2010) did include provision for limited expansion of key villages in the corridor. The transport zone for Croy included a total development of 200 houses in the period to 2031, roughly at a rate of 10 per year. The impact of this development is therefore included in strategic transport considerations.

Boundary of site

- As noted above, the allocation indicated in the Highland wide Local Development Plan relates to the expansion site indicated in the Inverness Local Plan. The area being promoted for development by Scotia Homes also includes the area currently designated as “Special Uses” in the Inverness Local plan (Policies 6 and 9 refer, Page 67). This land is allocated for community/commercial uses and associated amenity areas. The Plan notes that the site would be suitable for relocating the shop or a hotel/public house, which could create a focal point for the village. There is therefore a commitment already to built development on the site.
- The site referred to above was not included within the allocation in the Highland wide Local Development Plan. As a result any proposal on that particular site will be considered on the current Inverness Local plan policy, albeit that it is fundamentally linked to the updated planning policy on the expansion site. The Reporter may therefore wish to recommend that this site be included within the overall allocation covered by Policy 20.
- The Tornagrain proposal does lie within a relatively close proximity to Croy, although the initial phases are self contained and will have landscaping elements built in to ensure clear separation and minimal disturbance to the village of Croy. The phasing strategy for Tornagrain as set out in the Local Development Plan is dependent on substantial upgrades to the A96 in the medium to long term. As will be clear from the proposals lodged for Tornagrain, there is no prospect of coalescence of the two settlements.

Natural Heritage Issues

- The site is not covered by any designations.
- A number of have raised the issue of the impact of drainage proposals on Loch Flemington SPA which lies approximately 2.2 kilometres from Croy. The Council is considering the proposal individually and cumulatively as part of the Habitats Regulations Appraisal.
- Other issues, including the need for badger (and other protected species) survey and protection plan and a landscape assessment are set out within Policy 20.

Agricultural Land

- According to the information available to the Council, this site is not prime agricultural land. However, where development is identified on and which is prime agricultural land, the Council follows [Scottish Planning Policy](#) which states that “development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available”.

Alternative sites

- A number of alternative sites have been promoted by the Church of Scotland General trustees, one of which is already allocated in the Inverness Local Plan (Allocation 4). The Church of Scotland is seeking a major increase in the capacity of that site from the 15 specified in the Local Plan to 48. It is not considered suitable for this change to be introduced at this stage in the Plan preparation and that a more appropriate route is to promote all of the sites through the inner Moray Firth Call for Sites process.
- Sites 1, 2 and 3 in the Church of Scotland submission currently lie outwith the settlement boundary as identified in the Inverness Local Plan. Development would not therefore be supported at this time.

Any further plan changes commended by the planning authority:

- Policy 20 should read under Miscellaneous:
A landscape and visual impact assessment will be required.
- Under Natural, Built and Cultural Heritage element of the policy reference should be made to the protection of Kildrummie Kames SSSI.
- Policy should refer to Map 10 rather than Map 11.

Reporter's conclusions:*Principle of the allocation and scale of development*

1. A number of representations question the principle of development on the proposed mixed-use site at Croy. There is no demand for more houses (348 and 511). The village does not need new houses or affordable houses (364). Reference to the designation in the existing local plan is inappropriate. The site was included in the current plan subject to policies and rules in operation at that time. The usefulness of the site for long-term expansion should be re-evaluated. The site should not be allocated in advance of other sites, and only after eight specified matters have been considered (272).
2. Representations express concern about the proposed scale of development. One hundred houses in ten years would not constitute sensitive village expansion (226). Doubling the size of the village in ten years would not be limited growth (300). The amount of housing proposed is excessive (272, 336, 363, 397). The proposed large-scale expansion would not be in keeping with and would damage Croy's character (503). The proposed allocation has not been shown to be needed in terms of the HNDA. No housing numbers should be specified at this stage. The premise of limited growth must be honoured (272). Three hectares of the site are not suitable for development. In view of this, capacity should be reduced to 120 houses so that density is not increased (475). Density is also of concern in other representations (363, 364 and 511). In Croy, more than 50 houses have been built or approved in last five years: this should be taken into account (300).
3. The following paragraphs give consideration to the Council's response to these representations.
4. The Council says that the site benefits from an allocation in the adopted *Inverness Local Plan*. It refers to section 11 on page 69 of the Written Statement. I find that section 11 is directed primarily to prevention of piecemeal development. It refers to "the long term expansion of Croy, including possible village centre, residential, business and community uses." It gives no clue as to how far "long term" extends into the future. My conclusion is that the local plan may be interpreted as foreshadowing village expansion, but it may also be interpreted as keeping an option open without commitment to allocating land for development.
5. The Council says that Croy is well-placed in relation to employment, as set out in the adopted local plan. I note that section 10.1 on page 76 of the Written Statement refers to "important and diverse employment locations east of Inverness, including Ardersier, Dalcross and Morayhill." Policy 14: Whiteness in the proposed plan suggests that the Council's preferred use for "Ardersier" is housing. However, Issue 14 finds this is looking less likely, and supports the Council's second-choice use for the site as an on-shore base for off-shore renewable-energy developments. From paragraph 12.2 of the proposed plan, it appears that housing in relation to increased employment opportunities at Dalcross is to be provided primarily at Tornagrain. Evidence does not demonstrate the likelihood of significant increase in employment at Morayhill.
6. From these considerations, I conclude that, while there is a choice of employment opportunities within ten kilometres or so of Croy, planned growth in employment is not a compelling reason for allocating housing land at Croy.
7. The Council says that there is no significant capacity restriction in services. With any appropriate mitigation, facilities, services and infrastructure in the village are sufficient to

accommodate the proposed growth in the short to medium term. In connection with this, I note that it is a requirement of Policy 20 that development be connected to the public water and waste water systems. There is a modern primary school close to the site. Apart from the adequacy of local roads, which is a major area of concern and is addressed later, I conclude that development of the Croy expansion site would not be hindered by lack of basic services.

8. The Council refers to the need to provide for a generous land supply. I note that national policy expects the planning system to identify a generous supply of land for housing (*Scottish Planning Policy*, paragraph 66). At the same time, the land must be “in the right places.” My conclusion is that this gives weight to the Council’s case, provided the site is shown to be suitable for residential development.

9. The Council points out that the *A96 Growth Corridor Development Framework* identifies expansion at Croy. I find that this is the case, and that this adds weight to the proposed allocation.

10. The Council also points out that there is developer interest. I find that the developer interest is evident (representation 456). I note that developer interest is also evident in relation to other allocations in the proposed plan. Thus the existence of developer interest, while a factor in favour of the proposed allocation, does not distinguish the site at Croy from a number of other sites.

11. With regard to the statement that there is no demand for more houses, I find that current demand is likely to be depressed because of present economic conditions. Against this, completion of the 40-house development at Ardgowan in 2009 (Housing Land Audit) demonstrates that, in more “normal” times there has been demand for new houses in Croy.

12. There is concern that the proposed allocation goes beyond “limited growth.” Under Issue 19, I note that this phrase is used on page 13 of the *A96 Growth Corridor Development Framework*, and my finding is that “limited growth” in the context of the growth corridor means an amount of development that might be considered fairly significant elsewhere.

13. A further concern is that the scale of development would not be in keeping with and would damage Croy’s character. I find that, in the context of a development of some 150 dwellings, effect on character would arise much more from the design of the development than from size alone. A design reflecting the character of the village and avoiding a bland “suburban” style could add to the character of the village. In connection with this, Policy 30 of the proposed plan seeks designs that make a positive contribution to the architectural and visual quality of their localities.

14. There is concern that three hectares of the site are not suitable for development and that this would increase density of development on the remainder of the site. There is also concern in general about density being too great. Evidence does not demonstrate that a suitable density could not be achieved. Policy 30 should help to ensure that density is appropriate. Further consideration is given later to the “undevelopable land.”

15. From all the foregoing, my conclusion is that in principle it is appropriate to identify the allocation site for mixed-use development and to envisage a housing element of the order of magnitude set out in Policy 20.

Mixed use

16. Representation 155 says that the proposed allocation must not be used only for housing. Space must be allocated and reserved for commercial use, to provide local employment. Land must also be allocated and reserved for services.

17. I note that Policy 20 relates to the site depicted on Map 10 of the proposed plan (page 60). The map designates the site as “mixed use allocation.” The Glossary says that “mixed use” can mean a combination of housing, business and community uses.

18. I note that increasing sustainable economic growth is a major government policy (*Scottish Planning Policy*, paragraph 33). Planning authorities are to foster economic development by

promoting integration of employment generation opportunities with supporting infrastructure and housing development (*Scottish Planning Policy*, paragraph 45).

19. I note that Policy 20 does not specify what kind of development is envisaged for the expansion site.

20. From the foregoing, I conclude that Policy 20 should make clear that the Croy expansion site is to be used not only for housing but also for employment-generating development. The policy's introductory text should be adjusted to make clear what kind of development is being supported.

Phasing and the "25%" policy

21. There is concern regarding the proposed rate of development. The phasing in Policy 20 represents overdevelopment, does not comply with current policy and has not been subject to any community consultation (226). An increase of 100 houses within 10 years would overwhelm the community's resources (153). Policy 20 should show 29 houses 2011-2016 and 29 houses 2016-2021 (342). The proposed 100 houses for 2011 to 2021 represent an increase of 44%. This would be significantly above the present 25% limit and would overwhelm the village. Phasing should be altered to 30-30-35-35 (475).

22. Omission of the "25%" policy is also a concern. In Croy since 2006, 49 new houses have been approved and 40 of these built. Present policy says that the number of new houses in any ten-year period should not exceed 25% of the number of existing dwellings. For Croy, this means that there should be no more new housing until 2016 at least (226). Application of the 25% rule would mean no more than 58 houses in ten years (73). The 25% rule should be observed (155, 300, 336, 342, 363 and 511). It would allow integration into the community (218).

23. The Council's response includes the following points. The 40-house development, approved in 2006 and now complete, is integrated into the rest of the community. The proposed phasing is proportionate to the size of the settlement and in line with provision of a generous land supply. Any development beyond 2021 will be informed by future local plan reviews. The 25% policy is superseded: the proposed strategy is more appropriate in the context of the A96 Corridor and need for a generous land supply. Facilities, services and infrastructure are, or can be made, sufficient. Phasing reflects what has taken place over the last five years.

24. I find that the representations show strong feeling that the proposed rate of development is excessive. I note that there is no reference to any problems that might have arisen or might be continuing in relation to the rate of development of the now-completed 40-house development.

25. I consider that, once an overall limit to the amount of development has been determined, a reasonably speedy rate of development may have advantages: for example, the disruptive construction period is shorter, and developer funding of any "upfront" mitigation may be facilitated. In practice, the rate of development is likely to be constrained by market conditions - at the time of writing, the economic outlook continues to be uncertain. On the basis that the proposed allocated site has capacity for 150 dwellings, my conclusion is that the phasing in Policy 20 need not be altered.

Other sites in and around the village

26. Representation 218 says that other land at Croy is available for development. Representation 226 says that a submission from Home Farms Limited, seeking development on land to the east of the village, is to be considered in the Inner Moray Firth local plan. The proposed *Highland-wide Local Development Plan* should deal with the principles of all proposals brought forward. The Home Farm site should be included in the proposed plan.

27. Representation 345 says that the settlement boundary should be extended to take in three sites beside the B9006 to the north of the village. These sites are suitable for housing and could accommodate 22 to 24 dwellings. This representation also says that the Dalcroy Green site within the village, allocated for 15 houses in the adopted local plan, could accommodate 48 dwellings.

28. Representation 155 says that there should be a masterplanning process for the expansion

area at least and, ideally, for the whole of the village.

29. In response, the Council recognises that other sites allocated in the present adopted *Inverness Local Plan* have yet to be developed. The expansion site in the proposed plan will add to the range and choice of sites in the village, and is effective because it has developer interest and no major infrastructure constraints. It is not suitable to increase the capacity of the Dalcroy Green site at this stage. It would be more appropriate to promote all of the representation 345 sites, three of which are outwith the present settlement boundary, through the Inner Moray Firth “Call for Sites” process.

30. Considering first the three sites beside the B9006 north of the village, I note from inspection that the B9006 with its lack of footways is not well-suited to provide safe and convenient access into the village from the north.

31. The most northerly of the three sites would appear to have little, if any, visual connection with the built form of the village. Development on the next site to the south could impinge on the very attractive outlook from the adjoining graveyard. Development on the small site south of the church would be likely to put in doubt the continued existence of attractive trees growing around the site boundary.

32. From the foregoing, my conclusion is that the proposed plan should not designate these three sites for housing.

33. I note that the adopted *Inverness Local Plan* (page 67) has four allocations for housing at Croy. The Housing Land Audit shows that the two plots constituting allocation 1 have been developed. Allocation 2 (south-west of the primary school) has capacity for four dwellings, but is “constrained.” Allocation 3 (north of Rambogie) has remaining capacity for eight dwellings. (The local plan allocation was originally for five dwellings in total.) Allocation 4 (Dalcroy Green) has capacity for 15 dwellings, but is “constrained.”

34. From this, I find that the remaining capacity of the existing allocations, according to the Housing Land Audit, is 27 dwellings. Representation 345 contends that the Dalcroy Green allocation has capacity for 48 dwellings, 33 more than presently ascribed to it. Accepting 48 for the moment, this gives a total of 60 dwellings.

35. The total of 60 dwellings is very much a maximum amount, but does serve to show, when compared to Policy 20 with its proposal for 100 new houses in the 2011 to 2021 period, that existing sites have significant capacity. Set against this is the slow or non-existent rate at which these sites have been developed since they were allocated.

36. My conclusions are that the existing allocations do not detract from the merits of the proposed expansion site and that their presence does not require any modification of the proposed plan

37. One representation makes reference to the “Home Farms” site. From information supplied by the Council (a copy of a letter dated 5 November 2009 from G H Johnston Limited), I note that this site adjoins the east side of the village and is about ten hectares in extent. In the present proceedings, its development is not being promoted by a landowner or developer interest.

38. My conclusions are that need for additional new development in the village can be met more than adequately within the expansion site and that there is no need for the proposed plan to allocate the Home Farm site for development.

39. The suggestion that there should be a masterplanning process for the whole of the village has merit, but I do not find that it justifies any modification of Policy 20.

Infrastructure - roads and transport

40. Representations 342, 363 and 503 say that traffic conditions on local roads would be made worse. Road improvements would be needed.

41. Representations 73, 92, 155, 226, 300, 336 and 475 make particular reference to the Mid Coul road. This road is Croy's main link to the wider highway network. The road is narrow, it has five blind bends, six blind summits and inadequate passing places. It must be improved substantially before there is any village expansion. Adverse impact on the Mid Coul road caused by development at Tornagrain must be taken into account. The *Transport* section of Policy 20 must require a contribution to upgrading the Mid Coul road.
42. Representations also refer to the wider road network. Development will put pressure on the B9006 road (336). Impact of all proposed developments on the B9006 and Inshes roundabout must be considered (226). Expansion should not be permitted until finance is committed to improving B9006 and Inshes roundabout (218).
43. Representation 475 says that transport deficiencies make Policy 20 inconsistent with paragraph 8.1 regarding infrastructure and facilities.
44. Representation 153 says that bus services are being curtailed.
45. Representation 153 also states that road access from the proposed site would be either to a single-track lane or to the village by-pass near a bend where traffic speeds are high.
46. The Council's response includes the following points. Developer requirements in Policy 20 seek to address many of the concerns. Transport Scotland has raised no objection. The transport model for the A96 Corridor takes into account new development at Croy.
47. From inspection, I note that the road between Croy and Mid Coul is below current standards in relation to width, horizontal alignment and vertical alignment. I have no reason to doubt that many Croy residents do use it as a connection to the main road network.
48. The design deficiencies of the Mid Coul road could mean that a relatively modest increase in traffic flow might have a significantly detrimental effect on the convenience and safety of all its users. Whether this would be the case, and, if so, what might be done by way of mitigation, could be explored by carrying out a transport assessment.
49. In Policy 20, under the heading *Transport*, one of the requirements is a transport assessment. The text should make clear that what is required is not only an assessment but also implementation of its findings. The assessment itself should take into account development of all housing sites in Croy and the effects of the proposed development at Tornagrain. With this adjustment, the Mid Coul road concerns in the representations would be adequately addressed.
50. Regarding the wider road network, I note that the Council is using a traffic model to predict effects on links and junctions. Evidence does not demonstrate that development on the mixed-use site at Croy would have an unacceptable effect on traffic flow on the wider network.
51. Paragraph 8.1 refers to directing development to places with sufficient existing or planned infrastructure. In relation to roads, the proposed allocation at Croy is not inconsistent with this, provided any necessary mitigation is implemented.
52. Reference is made to curtailment of bus services. I note that, under *Transport*, Policy 20 says that developer contributions will be required in respect of public transport infrastructure. I find that this addresses the concern.
53. There is concern about access from the proposed site to the local village roads. Evidence does not demonstrate that accesses of acceptable standard cannot be provided. From this, I conclude that access is not a matter affecting the proposed allocation. Details of access design are matters for the development management process.

Infrastructure – other matters

54. Representations 73, 92, 218, 363 and 475 make points about other infrastructure. Beyond the first phases in Policy 20, there should be no further major development in Croy until infrastructure has been upgraded. Infrastructure is unsuitable for rapid growth. There is no indication that general infrastructure will keep pace with the proposed quantity of housing. The waste water treatment works cannot cope.

55. In response, the Council says that many concerns are addressed by developer requirements in Policy 20. There has been no objection from Scottish Water regarding waste water treatment or water supply capacities.

56. I find that these representations do not demonstrate that any particular essential infrastructure service would not be able to meet demands placed on it. I conclude that the plan need not be altered in relation to this aspect of the representations.

Sustainability

57. Representation 155 refers to certain “principles.” “Housing should be located close to employment and services and also to public transport. The co-operation of housing developers, land use planners and transport planners will be crucial to ensure that we build in such a way that accessibility is maximised and car dependency minimised.” (*Sustainable Housing Design Guide for Scotland*, 1.1.4 Creating sustainable settlements). “Promote a mix of land uses that allows houses and jobs to be closely related.....Every new dwelling should have a new job created.” (*A96 Growth Corridor Development Framework*, page 9). Croy expansion does not comply with these principles. It is therefore not sustainable.

58. Representation 73 makes a related point: new development cannot be sustainable because Croy has no employment and most new residents would commute. There is no public transport to Nairn. Public transport to Inverness is infrequent and slow. Representations 218 and 475 also question the sustainability of Croy expansion.

59. I note that *Scottish Planning Policy* says that the planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport.....and provides safe and convenient opportunities for walking and cycling (paragraph 165).

60. I find that housing development on the Croy expansion site would be inconsistent with *Scottish Planning Policy* and the similar points raised in the representations if residents in the development had no choice but to travel by car for some distance to reach places of employment.

61. I note that, in the vicinity of the airport, *Inverness Local Plan* allocates significant amounts of land for business and industry. The airport is roughly four kilometres from Croy. This proximity offers a possibility of encouraging non-car journeys to work for Croy residents who have jobs beside the airport.

62. I note in Policy 20, under *Transport*, that it is a developer requirement that sustainable travel linkages be promoted between the key facilities within and outwith the settlement. This requirement should be expanded slightly so that it specifically includes encouragement of non-car journeys between Croy and the airport. If this were done, it, along with altering the introductory text of the policy to require provision for employment opportunities within the expansion site itself, would adequately address the concerns in these representations.

Tornagrain

63. Representations (73, 155 and 511) make points in relation to Tornagrain. It is suggested that the amount of development proposed for Croy could be reduced because a very much larger amount of land is proposed for housing nearby at Tornagrain. Representation 153 says that Croy expansion will extend to within a few hundred metres of Tornagrain and will thus destroy the integrity of Croy.

64. In response, the Council says that there is no prospect of Croy and Tornagrain coalescing.

65. I find that land that is available and suitable for residential development in Croy may be properly allocated for such development, as it will help provide the generous supply envisaged in paragraph 66 of *Scottish Planning Policy* and contribute to the A96 growth corridor concept.

66. Regarding coalescence, I note that there is a distance of about one kilometre between Croy and the southern boundary of Tornagrain. From inspection, I note that the separation effect of this distance is reinforced by topography and the existence of woodland. My conclusion is that what is contained in the proposed plan would not cause Croy and Tornagrain to coalesce.

Undevelopable land

67. A number of representations (153, 155, 218, 226, 342, 475, 503 and 511) say that not all of the expansion site is developable. This is because the south-east end of the site contains steep ground and, to the north-west of this, there is wet ground containing the source of the Croy Burn. It is submitted that these areas amount to about three hectares out of the total site area of 14.4 hectares. They should be excluded from the site.

68. I find that sites for development often contain ground not suitable for construction work. Good practice usually points to including such land in the overall development. This is because the land often offers opportunity for tree-planting, other landscaping, or other use that is an asset to the scheme design. Omitting such land from the development may mean that it becomes neglected and detrimental to amenity. My conclusion is that the proposed plan should not be modified in response to these representations.

Land between Dalcroy Road and Ardgowan

69. Mid-way along its north-east side, the proposed Croy expansion site adjoins an open area between the recently-built houses at Ardgowan and houses on Dalcroy Road. This area has the references 6 and 9 on inset map 10 in the adopted *Inverness Local Plan*. Related text on page 67 of the Written Statement includes:

1.3 ha west of Dalcroy Road is allocated for community/commercial uses and associated amenity areas. This would be suitable for relocating the shop or a hotel/public house, which could create a focal point with "green" in the village.

70. Representations refer to this 1.3 hectares site. The site should continue to be allocated for community and amenity use: more playing space is needed (300). The site should not be built on and should be kept as green space (342 and 503). The site should be included in the mixed-use designation: this would allow community consultation on this land as part of the master-planning process (456).

71. The last of the above representations (456) is made on behalf of Scotia Homes Limited. Land under their control consists of the whole of the proposed expansion site and the site between Dalcroy Road and Ardgowan. The representation says that they intend to seek planning permission for 93 dwellings and four commercial buildings. A site layout shows this development occupying the eastern part of the expansion site and the site between Dalcroy Road and Ardgowan.

72. In response to the representations, the Council, in referring to the adopted local plan, says that there is already a commitment to built development on the site between Dalcroy Road and Ardgowan.

73. I note that Circular 1/2009: *Development Planning*, in paragraph 78, says that I should generally not recommend modifications to parts of plans that have been rolled forward from previous plans, unless circumstances have clearly changed.

74. I find that the Dalcross Road site is not "rolled forward" in that it is not part of the proposed plan, but the principle stated in the circular indicates that existing policy for the site should be undisturbed unless there has been clear change in circumstances. The representations do not

demonstrate that there has been such a change. My conclusion is that, in response to these representations, the plan need not be modified.

Natural heritage

75. Representation 118 from Scottish Natural Heritage says that Policy 20 should refer to protecting the nearby Kildrummie Kames SSSI. Possible effect on the water quality and water level of Loch Flemington must also be considered. Representations 155 and 503 express concern about effect on water flowing to Loch Flemington.

76. At the time of its representation, Scottish Natural Heritage was awaiting the outcome of the Council's Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. On page 47, the following mitigation is proposed in relation to Policy 20:

Add new bullet point under Natural, Built & Cultural Heritage:
Avoidance of any adverse effects on the integrity of the Loch Flemington
SPA and Kildrummie Kames SSSI.

Scottish Natural Heritage was asked to comment. In a letter dated 3 October 2011, Scottish Natural Heritage, in the light of the Appraisal and proposed mitigation, withdrew its representation regarding Policy 20.

77. I find that the concerns in the representations are well-founded and that the suggested mitigation would adequately address them. My conclusion is that the plan should be modified accordingly.

78. Representation 397 says that there will be an adverse effect on wildlife and that tree-planting should be carried out to encourage wildlife. In response, the Council says that the site is not covered by any designations.

79. I find no evidence to show that the proposed expansion site contains any wildlife of special importance. Tree-planting could well be part of the landscaping of a development proposal, but this is a matter for the development management process rather than for the local development plan. I conclude that the proposed plan need not be modified.

Green networks and open spaces

80. In Policy 20, the developer requirements include items listed under *Green Networks & Open Space* and items listed under *Natural, Cultural & Built Heritage*. Representation 285 says that these should be linked, and high-quality green networks and open spaces should be designed to be good for people and wildlife. I find that the policy as it stands gives sufficient scope for achieving the quality of design sought in the representation. My conclusion is that the plan need not be modified in response to this representation.

Loss of view

81. Representation 475 says that paragraph 4.2.2 of the proposed plan refers to protecting the special quality of the natural and cultural environment. The B9006 is a major tourist route. The only point on the B9006 from which the Black Isle, the Moray Firth and Fort George can be seen is at Croy. This unique view would be blocked by development on the expansion site.

82. I agree that, in principle, fine views available for appreciation by the general public should be retained where possible. In the present case, existing development on the north-west side of the B9006 means that the view in question is, for those passing by in vehicles, a fleeting one. Careful design of development on the proposed expansion site could minimise impact on the view.

83. My conclusion is that the proposed plan need not be modified.

Flooding

84. The Scottish Environment Protection Agency (representation 326) says that Policy 20 must include a developer requirement that, dependent on the specific location in relation to the minor watercourse, proposals are subject to a flood risk assessment. No development should take place on a functional flood plain. Representations 363, 397 and 503 also express concern about flooding.

85. I note that *Scottish Planning Policy*, for example at paragraph 198, requires that flood risk be taken into account. I find that the concern in these representations should be addressed in the proposed plan. Policy 65 of the proposed plan requires that flood-risk be taken into account.

86. I note that Policy 20, under the heading *Miscellaneous*, requires a drainage impact assessment. This partly addresses the concerns. To ensure that the flood-risk aspect is not overlooked, the extra text suggested by the Scottish Environment Protection Agency should be included in the policy.

Archaeology

87. Representation 155 says that, within the proposed expansion site, there have been major archaeological finds – the Croy Hoard. Particular attention should be given to the possibility of further finds. Policy 20 must include this requirement.

88. I note that *Scottish Planning Policy* says that the historic environment is a key part of Scotland's cultural heritage (paragraph 110). Development plans are to provide the framework for the protection, conservation and enhancement of all elements of the historic environment (paragraph 112).

89. In view of the fact that material of archaeological value has already been found within the expansion site, I find that particular attention should be given to the possibility that more such material may be present in the site. This may be addressed by inserting additional text under the heading *Natural, Cultural & Built Heritage* in Policy 20.

Proximity to hazardous installation

90. Representation 53, from the Health and Safety Executive, says that the proposed mixed-use site at Croy may be within the consultation distance associated with a hazardous installation or pipeline. Any maps in the proposed plan should identify major hazard sites and pipelines so that others are aware of potential restrictions on future development.

91. In response to representation 53 in relation to other issues, the Council makes reference to Policy 31: Physical Constraints.

92. I find that the style of mapping adopted for the Croy expansion site does not lend itself to showing other features, such as hazardous installations. To ensure that any need for consultation is not overlooked, appropriate text should be added to Policy 20. This would adequately address the representation.

Other matters

93. Representations have raised a number of other matters.

94. Concern about adoption of surface water drainage (226) is addressed under issue 67.

95. Detailed aspects of the particular scheme designed by Scotia homes Limited (336, 351, 363) or of any other design that might come forward (342) are not a matter for the local development plan. They are more appropriately considered during the development management process.

96. I have considered the Croy expansion on its own merits, rather than in comparison with proposals for Ardersier, as advocated in representations 73, 155, 300.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy 20, delete the introductory text ("The Council will.....requirements and phasing:") and put instead:

The Council will support mixed-use development of the Croy expansion site shown on Map 10. The chief use will be residential. Provision for employment opportunities must also be made as part of development proposals that are submitted to the Council for approval. The following phasing and development requirements will apply.

2. In policy 20, under the heading *Transport*, replace the text in the first bullet point with the following:

Sustainable travel linkages must be promoted between the key facilities within and outwith the settlement. Proposals to encourage and facilitate non-car travel between Croy and employment opportunities at and beside Inverness Airport must be brought forward as part of the development.

3. In policy 20, under the heading *Transport*, replace the text in the last bullet point with the following:

A transport assessment will be required. In the assessment, matters taken into consideration must include the following: impact of construction traffic; traffic effects of development on all allocated development sites in Croy; and traffic effects of proposed development at Tornagrain. Mitigation measures identified in the assessment must be carried out by the developer.

4. In Policy 20, under the heading *Natural, Cultural & Built Heritage*, add the following new bullet points:

Avoidance of any adverse effects on the integrity of the Loch Flemington SPA and Kildrummie Kames SSSI.

Proposals for development must be accompanied by an archaeological study. The study must assess how likely it is that material of archaeological value is present in or under the site and must advise on how best to identify, record and conserve any such material.

5. In Policy 20, under the heading *Miscellaneous*, after the first bullet point, add a new bullet point:

A flood risk assessment will be required in relation to any proposal for development on or in the vicinity of the low-lying, wet part of the site. No built development shall take place on any part of the site which is identified in the assessment as being functional flood plain.

6. In Policy 20, under the heading *Miscellaneous*, add a new bullet point:

The developer must ascertain whether any part of the site is within the consultation distance associated with any hazardous installation or pipeline and, if it is, what precautions are advised by the Health and Safety Executive. (See also Policy 31.)

Issue 21	Culloden Moor Expansion	
Development plan reference:	Policy 21 (para. 15.6, pages 61-62)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (118) Croy Community Council (218) Scottish Environment Protection Agency (SEPA) (326) Peter Collin (339) S Fleider (340) Roy Hirst (344) Stephanie Hoyle (346) Mr & Mrs T Lewicki (347) P MacDonald (350) Tom Purves (360) D James Ross (362)	Mrs B E Campbell (382) Miss E Andrews (385) Mr and Mrs A Brunton (394) Gaener Rodger (395) Ms A Wilson (396) Mr A & Mrs H Todd (398) Michael and Susan Rennie (399) Balloch Community Council (436) Gavin Macfie (528) W A MacDonald for Mr & Mrs G MacLennan (529)	
Provision of the development plan to which the issue relates:	Culloden Moor Residential Expansion Site	
Planning authority's summary of the representation(s):		
<p>Concerns that the development of the allocation will lead to <u>significant adverse effects</u> in terms of the following issues:</p> <ul style="list-style-type: none"> • Impact on natural heritage in particular loss of habitat of and impact on protected species such as red squirrels and badgers; • Loss/diminished quality of recreational value of forest area especially when there are few suitable alternatives close by; • Loss of/reduced amenity value woodland; • Loss of forestry as an economic resource; • Prejudicial to new access opportunities that would be created when the core path network is extended in this area; • Loss of proposed Community Woodland Wildlife Garden possible expansion area; • Loss of/break in green network; • Loss of health benefits that result from active recreation; • Worsening of existing surface water drainage problems particularly given loss of natural attenuation provided by existing forestry; • Increase in crime; • Loss of rural character; • Thin end of the wedge of future coalescence with Balloch - need to maintain separate identities of each community; • Increased windblow risk to remaining planting if a large section of trees such as this is removed; • Loss of privacy and daylight for adjacent houses; • SNH requests that this site be subject to a Habitats Regulations Appraisal but only in combination with other A96 allocations to assess likely cumulative effects. <p>(Balloch Public Meeting, 218, 339, 340, 344, 360, 362, 382, 394, 395, 396, 398, 399, 436)</p> <p>Concerns that the site has <u>insufficient supporting services/infrastructure</u> in terms of:</p> <ul style="list-style-type: none"> • The junction of the site's forestry track with the B9006 is presently inadequate and could not feasibly be improved; • That the wider B9006 through the village is inadequate and has a poor safety record in particular in terms of the pinch point provided by the railway bridge; • The forest track is of inadequate width to serve the scale and likely capacity of this allocation; 		

- Adequate improvement of the forestry access would require acquisition of private garden ground and is therefore unlikely to be feasible/economic;
- Forestry contractor access to the forest would need to be maintained for management/harvesting and this would conflict with residential use;
- The local sewerage system has inadequate capacity for the scale of development envisaged or would impose additional problems/costs in terms of pumping;
- Absence of local community facilities which means increased non-sustainable travel at least as far as Balloch;
- Inadequate public transport links from the village to supporting facilities;
- Inadequate capacity at local schools in particular Balloch which would lead to additional public expenditure to add capacity;
- Site allocated for mixed uses in Adopted Inverness Local Plan so this housing only allocation represents a departure from the approved development plan;
- Excessive scale of expansion in relation to size of existing community (more than 100%);
- Inadequate broadband capacity.

(Balloch Public Meeting, 218, 339, 340, 347, 350, 360, 382, 394, 395, 398, 399, 528)

Suggestions that better site alternatives exist as follows:

- An additional phase to the existing Brookfield development (i.e. west of the existing settlement) which is within the visual envelope of the village, on underutilised agricultural land, of a more appropriate scale and may justify extending the speed limit (and other traffic calming) to the benefit of all residents of the wider village (398);
- Other (undefined) local areas which have no planting cover (Balloch Public Meeting);
- Land immediately north of the Brookfield development, within the forestry area but with more feasible access from the west connecting to the Balloch to Leanach road (this would also allow longer term access to the allocated site if there is a need/demand) (360).
- Landowner suggestion for residential development on land south of caravan park (529).

Other queries as to the feasibility of developing the allocation and process in terms of:

- Dispute that the owner, Forestry Commission Scotland, will sell the land;
- Query whether sufficient demand / need exists for houses;
- Query whether sufficient consultation has taken place on this allocation;
- Assert that the allocation should have been subject to Habitats Regulations Appraisal.

(Balloch Public Meeting, 118, 339, 340, 395)

Modifications sought by those submitting representations:

- Most representors seek the removal of the allocation from the plan (assumed).
- One suggestion for a fall back position that if development goes ahead then a planted set-back should be maintained between new and existing development at Sunnyside (396).
- One suggestion for removal of the allocation, exclusion of the land from any settlement boundary and a replacement restrictive policy such as designation of the land as Hinterland countryside or green wedge (436).
- Suggestions for removal of the allocation and addition of an alternative development site (Balloch Public Meeting, 360, 398).
- A new residential allocation on land south of caravan park (529).

Summary of responses (including reasons) by planning authority:

Rationale for Allocation

- This land benefits from an allocation in the adopted local plan (the [Inverness Local Plan 2006](#) - Written Statement Page 81 and Map Booklet Page 14) which safeguards it for the long term expansion of the local community. That plan states that it is reserved for forestry uses pending sewerage improvements. Culloden Moor has since been connected to the wider mains sewerage network which has relieved the constraint imposed by the previous “village only” network and the small receiving septic tank/reed bed plant.

- The adopted plan allocation was justified in terms of the size of the settlement at that time (140 houses), the industrial facility and caravan site as sources of local employment, and the potential to create a commuter rail halt using the old railway station and its platforms. The forestry area was allocated because it would provide a structural planting framework within which to sit development with minimal landscape impact. Moreover the site is within single, public agency ownership and therefore the land should (other things being equal) be easier and cheaper to assemble. Its development would also divert commuter housing pressures from the surrounding countryside which has particular sensitivities for example in terms of heritage interests at Clava Cairns and Culloden Battlefield.

Significant Adverse Effects?

- The site forms part of a commercial forestry plantation. This type of monoculture habitat tends to have little nature conservation value. For example, badgers setts are more commonly found on slopes (escarpments and burn-sides) with broadleaf woodland cover and close to improved pasture which provides foraging in terms of its high earthworm content. The Council has not received any evidence to substantiate the claims of the presence of protected species within the site.
- The Council recognises that forestry will be felled as a result of the development but believes that this loss will be marginal compared to the size of the remaining resource in terms of amenity, economic and recreational value. Similarly with careful woodland management the windblow risk to the significant remaining forestry can be mitigated.
- In terms of recreational access and green networks, the text of Policy 22 requires the developer to mitigate all impacts and arguably to deliver net enhancement. In particular, the Council agrees that the core path and wider path network routes that pass through and close to the allocation should be retained. It is conceded that the initial section of the core path through the allocation will have a more urban nature but the existing route and the western alternative are already, wide Forestry Commission tracks rather than narrow, meandering paths.
- The allocation will not result in any loss of Community Woodland Wildlife Garden if the current proposal is within the existing playing field area. Any extension to it would presumably abut its boundary which again is unlikely to fall within the allocation boundary.
- The allocation text includes an adequate surface water drainage requirement and therefore there should be no net detriment to the existing situation as a result of the site's development.
- The fear of crime is not a material planning consideration. The detailed layout of the site, including the prospect of additional street lighting could restrict opportunities for crime.
- The Sunnyside and Brookfield developments are suburban in nature and arguably have been developed at urban rather than Highland village densities. Culloden Moor lies close to the City's urban fringe, the surrounding forestry is subject to considerable recreational access and the B9006 is a heavily trafficked tourist and commuter route. Therefore the Council would assert that the immediate area has an urban fringe rather than a quiet rural character and as such a suburban extension would be in keeping with the existing settlement pattern and character.
- The allocation will not result in the merger of Culloden Moor with any other settlement. There are two forestry belts between it and Balloch.
- The allocation lies to the north of and on ground level with existing houses and therefore daylighting and overlooking issues should be minimal. If the Reporter sees fit, the Council would support an additional developer requirement for a privacy set-back from existing houses.

Insufficient Supporting Services/Infrastructure?

- The Council accepts that the implementation of a suitable access to the allocation will be problematic and if formed from the B9006 will involve the acquisition of third party garden ground. However, there is an alternative in terms of access from the west via the C1028 Balloch to Leanach road (albeit this will be longer and therefore (other things being equal) more expensive). Visibility at the junction of the B9006 and the forestry track is adequate although widening may be required. Any improved road junction and width will benefit any retained forestry contractor access. Alleged wider deficiencies with the B9006 route such as the railway bridge are not directly connected with this allocation - indeed the site's access will be on the west (Inverness) side of this "pinchpoint" and therefore the majority of the vehicle trips generated by the allocation's development will not cross the railway bridge.
- The phasing envisages an average of 8 houses a year which is proportionate to a settlement of

this size; there is no sewerage capacity issue now the local system has been linked to the wider urban network (albeit augmented pumping facilities may be required); more houses will make it more commercially attractive to improve public transport facilities; Balloch and Croy primary schools have sufficient physical capacity to accommodate this development and other allocations within their catchments, and; new technologies and BT investment plans will increase rural broadband speeds within the 2031 long term time horizon.

- The Council would support any Reporter recommended change to alter the use mix of the allocation to safeguard land within it for community, commercial and/or business facilities even if this led to a reduction in the housing capacity.

Better Site Alternatives?

- The three specific alternatives suggested have merit. The land west of the Brookfield development was not allocated in the adopted local plan because of doubts about its availability. The Highland wide Local Development Plan Proposed Plan draft encloses this land within the proposed settlement boundary and therefore its development is now supported in principle. The suggested site north of the allocation has many of the same benefits as the allocated site but suffers from requiring a longer and therefore (other things being equal) more expensive access. The suggested site south of the caravan site would be likely to necessitate some roadside tree clearance and is crossed by a 132kV overhead electricity transmission line. However, it is known to be available, is close to the settlement centre (and potential rail halt), has an aspect that would maximise solar gain and has no known environmental constraints. The Council would support the substitution of the allocated site with any of these alternatives should the Reporter see fit to recommend such a change.

Feasibility of Developing the Allocation and Process

- The Council does not have written confirmation that Forestry Commission Scotland (FCS) will release the land for built development and recognises that its land disposal procedures may require FCS to check in the first instance whether there is any local community interest in purchase. However, the representors don't refer to any community group with the resources and desire to purchase the allocated site other than the Community Woodland Wildlife Garden project which isn't likely to encroach within the site. The Council recognises the sustainability disadvantages of the allocation if the rail halt is not provided.
- The issue of the adequacy of the Plan's housing land supply is covered in a separate schedule Issue 4: Population and Housing. The Council maintains that the capacity and proposed phasing of the Plan's allocations are in line with projected housing requirements specified in the Council's Housing Need and Demand Assessment. However, if the Reporter(s) disagree(s) with the inclusion of this site then the Council would suggest that the Culloden Moor allocation is more constrained - i.e. less effective - than other allocated alternatives within the A96 Corridor.
- The allocation has previously been mooted for development in the adopted [Inverness Local Plan](#) (pages as above), the [A96 Growth Corridor Development Framework](#) (various pages) and the Highland wide Local Development Plan: [Main Issues Report](#) (Page 22). As such it has undergone several rounds of public consultation.
- The allocation has been screened for Habitats Regulations Appraisal and SNH has agreed that the site should only be assessed in combination with all other A96 allocations, not individually. The Council is progressing that assessment in conjunction with SNH.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Principle of the allocation and scale of development

1. Representations 218 and 346 question whether there is a need or demand for the 140 dwellings envisaged in Policy 22. The proposed development would increase local housing stock by more than 100% (398). Apart from woodland walks, there are no local facilities (398). The green wedge between Balloch and Culloden Moor should be retained (436). The character of Sunnyside

would change for the worse – it would become busier, there would be more strangers, and residents would feel less safe (346).

2. The Council says that the site benefits from an allocation in the adopted *Inverness Local Plan*. It refers to site reference 6 on page 81 of the Written Statement. This reads:

a strict presumption against piecemeal development on the land will apply. This land is safeguarded for the long-term expansion of the community including possible community, business and residential uses. The existing open character and use of the land will be expected to continue in the interim.

The Council explains that the expansion site is reserved for forestry uses pending sewerage improvements. This constraint has been removed - Culloden Moor is now connected to the wider mains sewerage network.

3. I note that the adopted plan gives no clue as to how far “long-term” extends into the future. I also note that the plan says there is no drainage capacity (paragraph 20.3). The plan does not say that provision of drainage will lead to support for development on site 6. My conclusion is that the local plan may be interpreted as foreshadowing village expansion, but it may also be interpreted as keeping an option open without commitment to allocating land for development.

4. The Council says that the size of the proposed allocation is justified in terms of the size of the settlement (140 houses). I note that Policy 21 envisages 160 houses in total. It is not clear to me how the existing 140 houses would justify an expansion of the order of 160 houses. There is no suggestion that the resultant total of 300 houses would assure attraction of facilities to Culloden Moor. An important facility could be a primary school, but, in my experience, a community with significantly more than 300 houses would be needed to support a single-stream primary school.

5. The Council refers to the “industrial facility and caravan site as sources of local employment.” I take it that the industrial facility is the “bitumen storage/distribution depot and former station area,” denoted as area 2 in the adopted local plan.

6. From my inspection of Culloden Moor, there appears to be very little activity on area 2. There is presumably little prospect of new employment on the site because the local plan says that “the Council will not support intensification of the present industrial operations” (reference 2 on page 81 of the Written Statement).

7. The caravan site appears to be well-established. There is no evidence to show that it is likely to provide a significantly increased amount of employment during the period of the proposed plan.

8. My conclusion is that the proposed expansion site is not justified on the basis of increased local employment opportunities.

9. The Council says that there is “potential to create a commuter rail halt using the old railway station and its platforms.” I note that there is no specific requirement in Policy 21 relating to the rail halt. Evidence does not demonstrate that there has been any study to ascertain the costs and benefits of a rail halt and to show that there is line capacity to accommodate an economically-viable commuter train service. My conclusion is that it has not been demonstrated that a rail halt is likely to be established within the period of the proposed plan.

10. The Council says that the forestry area is proposed for allocation “because it would provide a structural planting framework within which to sit development with minimal landscape impact.” From my inspection of the locality, I note that development on the proposed site would have limited effect on the surrounding landscape.

11. From inspection, I also note within the settlement boundary the existence of non-wooded areas, which, at first glance, appear capable of accommodating development with no undue impact on the surrounding landscape.

12. I note that *Scottish Planning Policy*, paragraph 148, includes the following.

The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits.

13. I conclude that the proposed allocation site is not the only site with potential for housing development within the settlement boundary. Other sites would not involve wholesale tree-felling and might well be acceptable in landscape terms. National policy in respect of woodland does not support the proposed allocation.

14. The Council says that the proposed allocation site is in single, public agency ownership. Other things being equal, the site should be easier and cheaper to assemble. Later, the Council acknowledges that creation of an access from B9006 would involve acquisition of third party ground. A longer access could be provided from the Balloch road.

15. I note that representations 339 and 340 express doubt about Forest Enterprise Scotland being willing to dispose of the proposed allocation site. Representation 398 says that the proposed development is contrary to Forestry Commission Scotland policy on woodland removal.

16. I note that at least some of the "third party ground" needed for access to the B9006 appears to be in the ownership of persons opposed to the proposed development.

17. My conclusions are that it has not been demonstrated that the proprietor of the site is a willing seller, nor has it been demonstrated that assembly of the site would be easy.

18. The Council says that development of the proposed allocation would "divert commuter housing pressures from the surrounding countryside which has particular sensitivities for example in terms of heritage interests at Clava Cairns and Culloden Battlefield."

19. I am not convinced that pressure for housing in the countryside, which I presume is in the form of proposals for single houses or small groups of houses from persons wishing to "self-build" or from small developers will necessarily be relieved by a housing estate type of development. Some of the pressure could be directed to undeveloped sites within the settlement boundary of Culloden Moor. In any event, if there is good reason to resist development in the surrounding countryside the Council should be in a strong position to prevent it.

20. The Council says that the proposed allocation would not result in the merger of Culloden Moor with any other settlement.

21. I note that there is a distance of some two kilometres between the proposed site and the southern edge of Balloch. I conclude that development on the allocation site would not have a significant effect on the "green wedge" between the two communities.

22. The Council says that fear of crime is not a material planning consideration. Details of design could restrict opportunities for crime. I agree that detailed design should bear in mind public safety. I conclude that this is not a determining consideration.

23. My overall conclusion under this heading is that the proposed allocation lacks justification.

Access to site

24. I have already touched on the question of access to the site. The existing access from the B9006 is a track with houses on both sides. Reference to the track is made in representations 339, 340, 346, 347, 350, 360, 394, 395, 396 and 398. Points of concern are that the track is too narrow for access to the proposed development, that it joins the B9006 on a dangerous bend, that there have been many accidents on the B9006, and that a sewer has been laid beneath the track.

25. The Council “accepts that the implementation of a suitable access to the allocation will be problematic and if formed from the B9006 will involve the acquisition of third party garden ground.” The Council says that visibility at the junction is adequate “although widening may be required.” The alternative is access from the Balloch road to the west.

26. I have no reason to doubt the Council’s statement that adequate visibility could be achieved for access to the B9006. I note that the Council does not comment on the accident record for the B9006 in the vicinity of the access point.

27. I find that the Balloch road option would involve construction of a road some 1,000 metres in length through woodland to a point on the highway network remote from any community. This would be a poor arrangement in terms of effect on the woodland and convenience of residents.

28. I find that there is no certainty that land can be acquired for necessary improvement of the track from the B9006.

29. My conclusion is that it has not been demonstrated that satisfactory access to the site can be provided.

Road network

30. Representations 218, 318, 385, 394 and 398 say that the road network is not suitable for the additional traffic that would arise from the proposed development. The road system is already inadequate. The B9006 has a bad accident record. There are already major problems at Inshes roundabout. The railway bridge on the B9006 at Culloden Moor is a bottleneck.

31. Regarding the wider road network, I am aware that the Council is using a traffic model to predict effects on links and junctions. Evidence does not demonstrate that development on the proposed expansion site at Culloden Moor would have an unacceptable effect on traffic flow on the wider network.

Public transport

32. Representations 394 and 398 say that there is a lack of public transport. In response, the Council says that more houses will make it more commercially attractive to improve public transport.

33. I note that Policy 21, under *Transport*, requires promotion of sustainable travel linkages and contributions towards public transport infrastructure.

34. I find that it has not been demonstrated that public transport would provide a choice of routes, service frequency and journey times that would encourage significant shift away from car use by occupants of houses on the expansion site.

35. My conclusion is that future availability of public transport is not a factor in favour of development on the proposed expansion site.

No local employment

36. Representations 218 and 394 say that residents of the proposed development would travel elsewhere for work and there would be more commuting to Inverness.

37. The Council, in its reference to diverting commuter housing pressures, appears to accept that residents of the proposed development would be travelling elsewhere to work.

38. I note that *Scottish Planning Policy*, in paragraph 165, says that the planning system should support a pattern of development which reduces the need to travel.

39. I have already concluded that the proposed expansion site is not justified on the basis of increased local employment opportunities. My conclusion here is that housing development on the site would be likely to increase commuting. This would not accord with *Scottish Planning Policy*.

Other infrastructure

40. Representations 218, 339, 340, 360, 385, 394, 395, 398 and 399 express concern about lack of or no ready access to a range of community services. In its response, the Council says that Balloch and Croy primary schools have capacity to accommodate children from the proposed development.
41. Among services, I consider primary schools and shops to be particularly important. I estimate that Balloch Primary School is some four kilometres from the site and that the distance of Croy Primary School is about six kilometres. Neither is within walking distance. I presume that a school bus service already exists, but lack of a school within safe and convenient walking distance is a drawback of the proposed expansion site.
42. In the representations, it is said that the nearest shop is in Balloch, at a distance of four kilometres, and that the nearest post offices are at Culloden and Croy.
43. I find that the lack of services in Culloden Moor means that residents are likely to be dependent on vehicle transport, probably private car, for all the varied needs of day-to-day living.
44. As already noted, *Scottish Planning Policy* says that the planning system should support a pattern of development which reduces the need to travel (paragraph 165).
45. My conclusion is that lack of local services does not favour allocation of land for expansion at Culloden Moor.

Natural heritage

46. Representation 118 from Scottish Natural Heritage says that Policy 21 should be considered as part of a cumulative HRA assessment. At the time of its representation, Scottish Natural Heritage was awaiting the outcome of the Council's Habitats Regulations Appraisal.
47. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. On page 8, Policy 21 is shown as being screened out individually as having no, or minimal, effect on Natura sites. The reason given for this is "Sufficiently distant from any Natura site, therefore no connectivity has been identified."
48. Scottish Natural Heritage was asked to comment. In a letter dated 3 October 2011, Scottish Natural Heritage, in the light of the Appraisal and proposed mitigation, withdrew its representation regarding Policy 21.
49. Representations 218, 339, 340, 344, 346, 382, 385, 394, 395, 396, 398 and 399 express concern about the effect of the proposed allocation on wildlife. Among other things, reference is made to the presence of red squirrel.
50. In response, the Council says that sites of this kind tend to have little nature conservation value.
51. In the absence of a systematic site survey by a suitably-qualified person, I am unable to reach a firm conclusion as to the nature conservation value of the site. The information that I do have, in particular the references to red squirrel in the site, suggest that nature conservation considerations, once fully investigated, are likely to weigh against development.

Loss of recreational area

52. Representations 218, 340, 344, 346, 362, 385, 394, 395, 396, 398, 399 and 528 express concern about loss of woodland that provides an attractive amenity and that is used for walking and other recreational pursuits. Paths form part of a wider network, and use of them is made not only by local people but also by persons from further afield.

53. In response, the Council says that the loss of woodland would be marginal compared to the size of the remaining woodland. Policy requirements could result in net enhancement.

54. From my inspection of the site, I find that it contains well-surfaced paths with attractive woodland ambience. Plantation trees were not so dense as to exclude ground flora. The presence of deciduous trees in a belt adjacent to Sunnyside added to the variety and interest of what could be seen. Extensive woodland exists to the north-west and south-west of the site.

55. My conclusion is that the woodland has considerable recreational value. Notwithstanding the presence of adjacent extensive woodland, development of the site would represent unjustified loss of an amenity, especially when it appears that other land of lesser amenity value may be available for development inside the settlement boundary.

Other sites

56. Representations 350, 360, 398 and 529 suggest that other sites in or adjacent to the settlement boundary should be considered for development. The sites are:

- west of Brooklands;
- north of Brooklands;
- south of Newlands; and
- the long-term expansion site east of the railway (site 5 in the adopted local plan).

57. The Council says that the first three of these sites have merit. The Council would support replacement of the allocated site with any one of the three if I see fit to recommend a change.

58. I find that it would be inappropriate for me to recommend that one of the suggested alternative sites be identified as an expansion site for Culloden Moor. The first reason for this is that I do not have before me detailed site appraisals identifying all the positive and negative factors for each site. The second reason is that there should be opportunity for public comment before any decision is taken to introduce a new site into the proposed plan.

Other matters

59. Representations have identified other matters. There is concern about localised flooding (218, 346, 350 and 394). There is concern about loss of outlook, privacy and light (346, 394 and 396). There is concern about loss of property value (346). I have considered these concerns. My conclusion is they do not affect my overall assessment of the merits of the proposed allocation.

Overall conclusion

60. My overall conclusion is that the representations justify deletion of the Culloden Moor expansion site.

Reporter's recommendations:

I recommend the following modifications:

1. Deletion of Policy 21: Culloden Moor Expansion.
2. Deletion of Map 11: Culloden Moor Expansion.

Issue 22	Ardersier Expansion	
Development plan reference:	Policy 22 (Para 15.8, Page 63)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>UBC Ltd (46) Mary Harrison (73) Scottish Wildlife Trust (285) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326)</p>		
Provision of the development plan to which the issue relates:	Ardersier Expansion	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • Preference for the number of residential units to be inline with the 25% rule i.e. 58 houses in 10 years. The numbers must not be exceeded in any case. It is proposed that Croy will increase by 45% in 10 years while Ardersier only 10%. As Ardersier has better infrastructure, this seems unreasonable and illogical (73) • Generally support the policy. Map 12 shows the development lands we have an interest in as being within Ardersier's settlement boundary however surprised to note these lands on the southern edge of the village are not shaded with the brown residential allocation as others in the village are (these lands are subject to 2 recent planning applications approved by Committee) (46) • Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy (58). Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access. (285) • The proposal and policy should be subject to Habitats Regulations Appraisal. (118) • SEPA support this policy. (326) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Seek linkages to be built between policies 58 Natural, Built and Cultural Heritage, Green Networks, 75 Green Networks and 76 Open Space (285) • Map to be amended to mark lands (referred to in representation) with brown residential zoning (46) • Policy should be amended to bring allocation into line with the '25% growth rule' outlined in the Inverness Local Plan – allocation currently only allows for 10% growth (in order to scale back allocation at Croy) (73) • Policy must be subject to Habitats Regulation Appraisal (118) 		
Summary of responses (including reasons) by planning authority:		
<ul style="list-style-type: none"> • The Council is progressing the Plan's Habitats Regulations Appraisal (HRA) in conjunction with SNH (118) <p><u>Size of Allocation</u></p> <ul style="list-style-type: none"> • It is accepted that the area marked as allocation 13 in the Inverness Local Plan which is safeguarded for the longer term development of Ardersier including possible residential, 		

community business and amenity issues has not been indicated in the Proposed Plan. The Reporter may wish to rectify this situation given the Committee decisions referred to in the representation received.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

General

1. As noted in representation 46, there is a typographical error in Policy 22. "Map 13" should read "Map 12". In these conclusions, to avoid confusion, I shall take it that Policy 22 says "Map 12".

Milton of Connage site

2. In the *Inverness Local Plan*, adopted in March 2006, inset map 9 shows a settlement boundary for Ardersier. In terms of map reference 13, the plan designates the southernmost part of the ground inside the settlement boundary as land safeguarded for long-term expansion. I shall refer to this land as the Milton of Connage site.

3. In the proposed *Highland-wide Local Development Plan*, Map 12: Ardersier shows a settlement boundary that is the same as the settlement boundary in the adopted local plan. Policy 22 of the proposed plan refers to "the long-term expansion site as identified in the Inverness Local Plan (and shown on Map 12)". In fact, Map 12 does not show the Milton of Connage site.

4. Representation 46 says that, on Map 12: Ardersier, the Milton of Connage site should be allocated as residential and coloured brown. In support of this, reference is made to planning applications that the Council is minded to approve. In its response, the Council says that I might wish to rectify the situation.

5. On the basis that the Council is minded to approve residential development on the Milton of Connage site, and that Policy 22 indicates that development may begin in the period 2011-2016, I conclude that the site should be coloured brown on Map 12. If this is done, some adjustment to the wording of Policy 22 is required, to make it consistent with what is shown on Map 12. Map 12 should identify the Milton of Connage site by name, to distinguish it from the other residential allocations and thus make clear which land is being referred to in Policy 22.

6. Representation 46 says that the phasing in Policy 22 "should have the capacity for review during the plan period" in case economic recovery is quicker than expected. My attention has not been drawn to any text in the proposed plan or other evidence that demonstrates a need for rigid adherence to the phasing proposed in Policy 22. I also note that, in terms of the A96 corridor, the Milton of Connage site is relatively small. My conclusion is that the policy should be modified in accordance with what is sought in the representation.

Habitats Regulations Appraisal

7. In representation 118, Scottish Natural Heritage says that it awaits the outcome of the Council's Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. In a letter dated 3 October 2011, Scottish Natural Heritage withdrew its representation regarding Policy 22. In doing so, it made the following comment.

Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.

In view of this, I conclude that no modification of Policy 22 is required.

Green networks etc

8. In Policy 22, the developer requirements include items listed under *Green Networks & Open*

Space and items listed under Natural, Cultural & Built Heritage. Representation 285 says that these should be linked, and high-quality green networks and open spaces should be designed to be good for people and wildlife. I find that the policy as it stands gives sufficient scope for achieving the quality of design sought in the representation. My conclusion is that the plan need not be modified in response to this representation.

Pace of development

9. In representation 73, the reference to Ardersier is made to illustrate a point being made about the proposed pace of development in other communities. No modification of the Ardersier section of the proposed plan is needed in relation to this.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy 22, delete the first sentence from "The Council" to "and phasing:" and put instead:

The Council will support development of the Milton of Connage site shown on Map 12: Ardersier subject to the following developer requirements and phasing:
2. In Policy 22, after the phasing table, insert:

This phasing may be reviewed if there are changes in housing market conditions.
3. On Map 12: Ardersier:
 - (a) show the Milton of Connage site coloured brown, thus defining it as a residential allocation; and
 - (b) identify the Milton of Connage site by name, to distinguish it from the other residential allocations.

Issue 23	Cawdor Expansion	
Development plan reference:	Policy 23 (Para 15.11, Page 65)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Mary Harrison (73) Scottish Natural Heritage (118) Julian Walford (155) D and J Piggott (208) Hugh Robertson (214) C Stafford (272) Scottish Wildlife Trust (285) Scottish Environment Protection Area (SEPA) (326) Ian Moore (354) David Matheson (369) Catriona Youngson (376)	Mrs A McGlennon (389) G H Johnston Ltd for the Trustees of Cawdor Scottish Discretionary Trust (465) Carol Walford (475) Jenifer Walker (510) Pat Treadgold (514) P & S Wass (515) B A Hartwell (516) R Treadgold (518) Mr C & Mrs F Webster (525) Mrs & Mr William Grant (526)	
Provision of the development plan to which the issue relates:	Expansion of Cawdor settlement	
Planning authority's summary of the representation(s):		
<p><u>Design and layout</u> Comments relating to the design and layout of development at Cawdor were received:</p> <ul style="list-style-type: none"> ▪ Any development to the south of Main Street would be on higher ground, would 'stand over' the village and would not be sympathetic development. (354) ▪ The well-used open space between Main Street and Cawdor wood should be protected from development. (354) ▪ Current access to Cawdor wood should be protected and no buildings should encroach close to the wood. (354) ▪ The increased traffic from development south of Main Street would have road safety implications and could damage the existing stone walls which abut this open space. (354) ▪ Development of Cawdor should instead be to the north of the village and the B9090. (354) ▪ When discussed with other residents all are agreed that any future expansion should be within the village and support one of your key outcomes to create a village centre and focal point for the village instead the present footprint of the area allocated for development would create two or maybe three separate settlement areas of the village. (518) ▪ SNH recommend that the reference to design in the developer requirements should be amended to – “A design framework will be required to ensure development fits with the landscape character and special qualities of the area”. (118) <p><u>Green Networks and Open Spaces</u></p> <ul style="list-style-type: none"> ▪ The role of communities in the A96 corridor in the delivery of the Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy (58). Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access. (285) <p><u>Settlement Growth</u></p> <ul style="list-style-type: none"> ▪ A discrepancy in figures for Cawdor exists in pages 50 then 65. (208) ▪ The A96 Framework talks about “limited growth” – 44% increase in Croy in 10 years, 298% increase in Cawdor is not considered limited growth.(73) ▪ The building of a further 285 houses over the 20 next years will have a detrimental effect on maintaining the character and identity of this unique village (514) (518) 		

- Historically Cawdor has expanded slowly and organically over the years. There are numerous areas within the village and on the outskirts that would lend themselves to this approach to expansion enhancing the Conservation village in the process.
- Are you aware that this will increase the current number of houses in Cawdor by 670%? The full implications and social impact have not been fully thought through, the number of houses must be reviewed and reduced. (518)
- This area is particularly rural and the injection of a large number of houses would create a "mini suburbia" resembling a ribbon development. (518)
- When the Director of Planning put a portion of this area in the previous Local Plan he envisaged a maximum of 3 houses. (See Memorandum Ref: NAI0/CJTD/CC) (518)
- Demand in Cawdor does not extend to 285 units but accept there is demand for affordable units. Why has the 25% rule on settlement growth been dropped? (73, 208, 515)
- Highland Council's policy of limiting the increase of settlements to a maximum of 25% over a 10-year period should be re-instated. This would allow Cawdor to grow organically and retain its identity, and it might actually realise its hope of becoming a Conservation Village. (518)
- Development would create a high density of housing on a rural area, carefully managed organic growth around Cawdor is desirable, safeguarding the natural environment, but development should be proportionate to existing built up area. (208, 514)
- There is no indication as to how employment might be achieved. (208)
- Local Cawdor businesses have either collapsed or relocated elsewhere in the local area over the past few years, there is little encouragement for businesses to establish themselves in and around Cawdor. (518)
- The Masterplan for Cawdor must be reviewed in light of the current economic climate and future prospects for the Highlands in the next 2 to 3 decades. (518)
- This area of the Highlands has seen a significant decline in the number of sustainable businesses in the past decade. It is possible that we will see one, if not two airbases closing soon, this will have a significant effect on the local economy and the way it grows in the future. (475, 518)
- Issue is taken with and object to the phasing strategy and housing numbers set down for the expansion of Cawdor Village on the grounds that:
- No specific justification can be found for the scale and speed of the growth in this location (285 units in 20 years); growth which is incompatible with that previously thought suitable for this historic village and major tourist attraction;
- No evidence is given in support of the statement that, "Cawdor is a settlement where there is a demand for housing ... "and the level of this specific demand is not quantified in a separate section of the HNDA. (272)
- The allocation is massively in excess of any proven need; therefore the Council in line with its own stated policy must avoid the allocation of any good quality classes 2, 3.2 and 3.2 for building. (515)
- Object to the proposed 298% growth of Cawdor in the next 10 years as it will overwhelm the village and set a precedent for the future growth of other small settlements in Highland. (475)
- If Nairn does not get its by-pass before these houses are built the B9090 will still be used as a rat-run to and from Inverness for motorists avoiding Nairn. Cawdor will then either have to put traffic calming in or apply for a bypass itself (514)

Sustainable Design

- The primary tenet of sustainable design has been taken fully on board in the Plan, namely: *"Housing should be located close to employment and services and also to public transport. The co-operation of housing developers, land use planners and transport planners will be crucial ... "* (Sustainable Housing Design for Scotland - Scottish Govt Agency: Communities Scotland 2008 - The proposed expansion of Croy and Cawdor does not comply with these principles and therefore cannot, in my view, be regarded as sustainable. (155)

Support for proposals

- Support the proposals for Cawdor, including provision of more affordable homes to encourage all ages to move to the settlement and assist in maintaining existing facilities. This also should encourage new job creation, business accommodation and shops and support the local school Such expansion is not only desirable but essential for the long term sustainability

of rural businesses. (369, 376, 389, 516, 525)

Impact on agricultural operations

- The proposed areas for Mixed Uses (delineated in red on map) will adversely impact the agricultural activities at Newton of Cawdor farm to an unacceptable and unworkable level. The development would impact on the future viability of the farm; with removal of critical calving and observation fields that important for good agricultural husbandry
- Potentially expose the farm business to costly and lengthy legal proceedings in the Scottish Land Court, as the landowner has allowed his land to be included in the proposed development area without prior discussion with the Farm Tenant.
- Urge the Council to omit this area of land to protect agricultural interests at Newton of Cawdor. (214)
- An area of farmland along Newton Road that has been included in the footprint of the Cawdor Masterplan is currently used for farming – the removal of this from the tenant farmer would undoubtedly affect his livelihood (514, 518)

Development mix

- With Cawdor having a proportionally high number of rented properties compared to owner occupied, any new housing apart from any mandatory affordable homes, must be privately owned and such a quality that it makes it desirable to live in this location. (518)

Trustees of Cawdor Scottish Discretionary Trust

- The Trustees are broadly supportive of the principle of Policy 23 albeit that the Trustees object to related provisions that deal with developer contributions separately. Supporting information relating to work undertaken by the Trust has been submitted to support the representation. (465)
- Policy 23 is appropriate because it enables a masterplan to determine phasing and relates developer contributions in that context. (465)
- There is an expectation by the public that their participation will be in planning the whole masterplan "footprint". The retention of the full development footprint is required to deliver an appropriate and sustainable community. (465)
- The Council and partners including Transport Scotland, SNH, SEPA and Scottish Water have endorsed the Trustees' approach. Map 14 reflects the masterplan process and the expectation that has built-up around it. (465)

Developer contributions

- Considers aspects of the policy and provisions for Developer Contributions to be inappropriate in inconsistency with policy 9 and policy 32, and other references within policy 23. (465)
- It is not appropriate for policy 23 under "Transport" to state "Local road improvements as part of the proposals for Phase1. Later phases will only be supported where there are contributions to wider strategic transport improvements as set out in a Developer Contributions Protocol"
- Trustees object in relation to the "phasing" of development (presented as a separate representation) it would be more appropriate to indicate "road improvements consistent with phasing". (465)
- There is no "updated Developer Contributions Protocol" It is not appropriate that the Council predetermines its terms and their application at Cawdor, far less that it predetermines the outcome of any "Section 75 Agreement" or "other legal agreement" referred to at policies 9 and 32. This is wholly prejudicial and it should be deleted. (465)
- It is wholly unfair and unreasonable without any evidence of the transport issues arising from a proposal that a predetermined and prejudiced position about the terms on "later phases" of development at Cawdor will proceed. (465)
- There is no reference to "wider strategic transport improvements" in any of the policies relating to other "Smaller Settlements in the A96 Corridor" nor any reference that their development "will only be supported" . There is no similar caveat to be found even against the allocations for Inverness East or Nairn which raise much more significant transport issues The Plan is therefore not fair or consistent.

- Natural, Cultural and Built Heritage - Cawdor Woods SSSI and SAC are not within the Trustees control. It is therefore not within the capability of the Trustees to prepare a Recreational Management Plan or to implement measures This need not rule out measures within the lands owned by the Trustees nor a collaborative approach in principle, but the Trustees are not able to implement the policy in the terms in which it is presently expressed. (465)
- Special Circumstances - There is no recognition of the unique circumstances at Cawdor created by the Outstanding Conservation Area designation and that this might be material in any agreed outcome. To meet the Council's prerequisite that "any development at Cawdor will reflect the distinctive character and unique identity of the existing village", a substantial commitment to the "public realm" must be a prerequisite. If an additional levy were to be sought, this would draw resources away from Cawdor and make it less likely that development will reflect the distinctive character and unique identity in the way the Plan seeks. (465)
- Developer contributions should not be expected where, as in the case of Cawdor, infrastructure, e.g. primary school, wwtw, already exist. (465)
- The revised A96 Developer Contributions Protocol, should emphasise the need for the LDP to reflect a proper sequence of events and a considered view about its role meeting infrastructure expectations. (465)

Phasing timetable

- The Trustees believe the HWLDP is overly prescriptive in its "phasing" and particularly -in the present economic climate -that the rate of growth as presented may appear differently in the final Plan. but believe that should cause no alteration to the allocation of the whole masterplan "footprint" as indicated. (465)
- The HWLDP phasing programme presents a view of a rate of growth. Whatever its purpose, it is too prescriptive and dependent on overriding influences outwith the control of the Planning Authority and outwith the planning system. (465)
- The Trustees also do not believe that the phasing proposed by the Council is relevant to the masterplan and it pre-empts the public process (community consultation) promoted in the HWLDP. (465)
- The masterplan is a mixed-use proposal; not one dependent for "phasing" exclusively on residential development. Delivering sustainable development requires a framework that is sufficiently flexible These will include developer contributions and design prerequisites in the form of commitments to the quality of building, the public realm, a landscape setting, the management of impacts etc. (465)

Impact on wildlife

- Wildlife will be affected by this development. (515)

Habitats Regulations Appraisal

- The proposal and policy should be subject to Habitats Regulations Appraisal. (118)

SEPA (326)

- Support this policy provided the requirements for the developer Flood Risk Assessment are retained. (326)
- In relation to the protection of the water environment we observe that the burn through the site would appear to have been canalised. We would support the inclusion of the requirement in any future development brief for restoration work to this burn which did not have a significant adverse impact on the riparian vegetation. (326)

Modifications sought by those submitting representations:

Reconsider the number of house projected for building in Cawdor over the next 20 years and reduce the footprint of the area to be developed by taking out the area of farmland along Newton Rd (514)

Seek linkages to be built between policies 58 Natural, Built and Cultural Heritage, Green Networks, 75 Green Networks and 76 Open Space (285)

G H Johnston: there are four areas of adjustment that the Trustees recommend, as follows;

- It is recommended that policy 23 includes a reference along the following lines “Any developer contributions will take account of the Outstanding Conservation Area designation, design commitments made to the public realm as part of a masterplan, and related cost implications”.
- Transport - It is not appropriate for policy 23 under “Transport” to state “Local road improvements as part of the proposals for Phase1. Later phases will only be supported where there are contributions to wider strategic transport improvements as set out in a Developer Contributions Protocol”.
- Other Textual Changes - There appears to be superfluous/repeated or contradictory references to developer contributions under several bullet points in policy 23: Transport, Natural, Cultural and Built Heritage and Miscellaneous. The Trustees recommend rationalisation of policy along the following lines, on the understanding that “the Council will seek”... (Policy 32)
- Transport - “road improvements consistent with phasing” . Delete from first bullet point “Later phases will only be supported where there are contributions to wider strategic transport improvements as set out in a Developer Contributions Protocol” and second bullet point “Contribution towards wider strategic transport improvements”
- Natural, Cultural and Built Heritage - “a Recreational Management Plan for Cawdor which takes into account the Cawdor Woods SSSI/SAC”. Delete fourth and fifth bullet points “Recreational Management Plan to be prepared for Cawdor Woods SAC; Recreational Management Plan to be approved in respect of Cawdor Woods SSSI”.
- Miscellaneous - Delete “Subject to further discussion with the Education Culture and Sport Service, contributions towards primary and secondary school shortfalls caused as a result of the development”; and “Sustainable Drainage System Plan is required”. Add “Any developer contributions will take account of the Outstanding Conservation Area designation, design commitments made to the public realm as part of a masterplan, and related cost implications”.
- The Trustees would favour deletion of the "phasing" schedule as presently expressed, but this should not change the allocation -the masterplan "footprint" -indicated on Map 14.(465)
- Design Developer requirement to be modified to, “A design framework will be required to ensure development fits with the landscape character and special qualities of the area.” (118)
- Supports slow growth within the village and in the land close to Cawdor Primary School and West of the Cawdor Bum. Highland Council's policy of limiting the increase of settlements to a maximum of 25% over a 10-year period should be re-instated. These two areas outlined for development along Newton Road should be removed from the HWDP and the Masterplan for Cawdor. (518)
- The Council should produce supporting information as to the development pressures. The HwLDP Policy should outline which aspects HNDA, A96 Corridor master planning work and A96 GCDF justifies this scale of development and land allocation. (272)

Summary of responses (including reasons) by planning authority:

Design and layout

- The development will be the subject of an ongoing masterplanning process which will give opportunity for detailed involvement for the wider community to influence the physical form of the development.

Settlement Growth

- A discrepancy does exist in the table in page 50 and 65 with the table in page 5 not summing correctly, this will be corrected. (208)
- The Council has set out a phasing plan within Policy 20 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 (as set out under [Issue 86](#)). There is a clear requirement set out in policy for any development to meet this phasing strategy, and recognition that any development beyond 2021 will be informed by future Local Development Plan reviews. This will allow for an ongoing monitoring of the impact of the development on Cawdor and surrounding areas.
- Attention has been drawn towards the lack of compliance with Policy 2 of the Hinterland section of the [Inverness Local Plan](#) (page 58), which states that the Council will seek to

ensure that house building does not generally exceed 25% of the number of existing dwellings in the settlement. It is the Council's position that the policy relating to this site supersedes that set out within the Inverness Local Plan and that the revised strategy is now more appropriate given the wider A96 Corridor context and the need to provide a generous supply of housing land. The phasing strategy as set out is greater than 25% but 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.

- Overall, 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 of the loss of airbases in Moray, the study undertaken by [Reference Economic Consultants](#) indicates that in 2005 3% of Kinloss and 1% of Lossiemouth civilian staff lived in Inverness & Nairn. There are rules about military personnel living in close proximity to their base and it is unlikely therefore that more than 30-40 base staff are resident in Highland, across the corridor area this is not seen as significant to the housing market.
- The allocation of land at Cawdor is for a mixed use proposal to deliver housing, local jobs, community services and facilities; the development will also support and maintain existing services and facilities. The primary school was opened in 2007 and is operating just over 50% capacity, with projections indicating a decrease in the roll. Development within the settlement would assist in the more efficient use of this recent investment to the settlement. Capacity also exists in the existing waste water treatment works for 170 units, which could deal with the first 2 phases of development.
- The development plan identifies an adequate supply of effective housing land to meet the Plan period, beyond this there is a need to identify for the more strategic growth within the A96 corridor. Equally whilst the current economic position is accepted as a potential brake to development progressing at the anticipated rate. However, as conditions for access to both mortgages and development funding become easier, larger scale allocations and proposals will start to progress. (518)
- Comment has been received on the impact of this development on a whole range of infrastructure issues, including transport, drainage and community facilities. The developer requirements set within Policy 23 seek to address many of the concerns raised. The pre-application advice offered for the site involved detailed discussion with other Council services and other agencies. No major issues were raised that questioned the principle of development on the site. Rather, issues were raised to be addressed by any developer.
- 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. Local road improvements and contribution to wider strategic improvements are required by the policy.

Sustainable Design

- The allocation is for a mixed-use proposal; not exclusively on residential development. In order to deliver a sustainable development the proposal is to deliver a mix of uses including local jobs, community services and facilities.

Green Networks and Open Spaces

- The developer requirements indicated within Policy 23 indicates the need for proposals to take account of and contribute to the delivery of the Green Networks and Open Spaces policies (75 & 76). Equally the consideration of the Natural, Cultural and Built Heritage is indicated within the Policy. Additionally development proposals are required to consider all other relevant policies within the Development Plan. (285)

Support for proposals

- The Council acknowledge representations offering support for the proposals.

Impact on agricultural operations

- The Council appreciate the concerns of the tenant farmer in relation to the potential loss of access to land currently forming part of existing operations. The current Plan allocation includes an overall settlement allocation with the detail of specific areas of development to be determined through the full development of the masterplan.

Housing mix

- The development of any proposal would be expected to deliver a mix of housing types and tenures. The Council's Affordable Housing policy will seek a contribution towards the delivery of housing to meet identified housing needs for that sector of the market. The policy also considers that the delivery of affordable housing should be integrated with other housing sectors to deliver a balanced mix of tenures. (518)

Impact on wildlife

- The developer requirements of the policy include the provision of protected species survey and if required mitigation.

Habitats Regulations Appraisal

- The Council is considering the proposal individually and cumulatively as part of the Habitats Regulations Appraisal. (118)

Trustees of Cawdor Scottish Discretionary Trust (465)Developer Contributions

- In regard to the requirement for contribution to wider strategic transport improvements. This requirement was indicated by Transport Scotland in response to pre-application advice on the potential for the development. Whilst Transport Scotland acknowledged that the level of development would have limited impact on the A96(T) it would be inappropriate to consider developments impacting on the A96(T) in isolation. In order to be consistent the reference included to other large scale allocations (inc. Inverness) will replace the existing bullet.

Growth and Phasing

- The Highland wide Development Plan has a requirement to deliver an adequate supply of housing land to meet the projected growth of households within the area and the consequent need and demand for access to housing. In this respect there is a need to be satisfied that the levels of development can be addressed within the various areas of the plan and where specific allocations have been identified in the A96 development corridor.
- In terms of phasing in the specific allocations in the A96 Corridor tables indicate timeframes for the broad delivery rates of development in Cawdor and across the corridor the primary intention of these are to ensure that there is an adequate supply of effective land to meet development needs. The potential exists across all allocated land to bring forward phases of development to meet any shortfalls.
- It is acknowledge that the Planning system cannot control the current economic constraints on progression of development, the Planning system is charged with ensuring that, where possible, a supply of effective land is maintained.
- In regards to determining the rate of growth, the use of planning conditions to control the speed and phasing of ongoing development is entirely appropriate in order to ensure the delivery of the sustainable development of the settlement.
- Natural, Cultural and Built Heritage - The preparation of a Recreational Management Plan would be for the developer to prepare in order to identify what measures will be required to address and mitigate against the impact of an increased population on nearby natural heritage features. The suggested wording is accepted as offering a clearer statement.
- Special Circumstances – The expansion of Cawdor was initially highlighted in the [A96 Growth Corridor Development Framework](#) and the Council has sought to work with the agents representing the Trustees of Cawdor Scottish Discretionary Trust to progress the proposals. This has involved highlighting the phasing, constraints and developer contributions that a development of this scale will entail. The delivery of wider infrastructure is as relevant to Cawdor as it is to the other development areas throughout the A96 Corridor, particularly beyond phase 1. The Council will take into account the outstanding conservation heritage of Cawdor, but will equally seek to ensure that fair and equitable contributions are made to infrastructure and facilities which are impacted upon by this development. Developer contributions sought from the development of the site will be proportionate to the impact of the development on services and infrastructure and where identified these will be sought. This assessment will take into account existing capacity of infrastructure.

Any further plan changes commended by the planning authority:

Commend that the reference to Natural, Cultural and Built Heritage - “a Recreational Management Plan for Cawdor which takes into account the Cawdor Woods SSSI/SAC”. Delete fourth and fifth bullet points “Recreational Management Plan to be prepared for Cawdor Woods SAC; Recreational Management Plan to be approved in respect of Cawdor Woods SSSI”.

Commend that the reference to design in the developer requirements should be amended to – “A design framework will be required to ensure development fits with the landscape character and special qualities of the area.”

Replace bullet point 2 of Transport with, “Development of the later phases may also require developer contributions towards provisions of strategic infrastructure in line with an amended A96 Corridor Protocol.”

Reporter’s conclusions:*Size of expansion and phasing*

1. Representations 73, 208, 272, 475, 514, 515 and 518 express concern about the amount of new development envisaged in Policy 23. It is stated that, at present, there are about 50 houses in the village. Grounds for concern include the following.
 - The proposal that there be 285 new houses would not be limited growth. In proportional terms, growth would be greater than for any other settlement in Highland.
 - The existing village would be completely overwhelmed. There would be a detrimental effect on its character and identity. Its quaintness would be put at risk.
 - Demand for so many new houses has not been demonstrated. The amount of new housing would be well in excess of need. Military families may be moving away from the area. Limiting growth to no more than 25% in ten years would be more acceptable.
 - Policy 23 should outline which aspects of the Housing Need and Demand Assessment, the A96 corridor masterplanning work and the *A96 Growth Corridor Development Framework* justify the scale of development and land allocation.
2. Representations 208, 272, 465, 515 and 518 express concern about the phasing of development. Some object to a rate of development that is seen as too rapid. In the past ten years at Cawdor, only one house has been built, with two currently under construction. The Council’s 25% policy should be applied.
3. Representation 465, on behalf of the Trustees of Cawdor Scottish Discretionary Trust, says that the proposed phasing is overly prescriptive, particularly in the present economic climate. The Trustees expect a build-out over a longer time-frame. Capacity and phasing are for the masterplanning process. Phasing requires the masterplan to fully evolve. The masterplan has not advanced to a point where it would be right for the proposed Highland-wide Local Development Plan to pre-determine the amount or composition of any phase. The phasing should be deleted.
4. The Council’s response includes the following points.
 - Growth and phasing would be proportionate to the size of the settlement and in line with need for a generous supply of housing land.
 - Any development beyond 2021 would be informed by future local plan reviews. This would allow impact on Cawdor to be monitored.
 - The proposed policy supersedes the 25% policy and is more appropriate in the A96 corridor context.
 - Removal of military families would not be significant in relation to Cawdor.
 - The allocation of land at Cawdor is for a mixed-use proposal to deliver housing, local jobs, community services and facilities.
 - The primary school, opened in 2007, is operating at just over 50% capacity. The school roll is expected to decrease.

- There is waste water treatment capacity for 170 dwellings.
- The Highland-wide Local Development Plan has a requirement to deliver an adequate supply of housing land. There is need to be satisfied that levels of development can be addressed where specific allocations have been identified in the A96 corridor.
- The A96 Growth Corridor Development Framework indicates timeframes for the delivery of development. These are to ensure land supply is sufficient to meet development needs.
- Use of planning conditions to control speed and phasing of development is appropriate.

5. I note that concern about the phasing set out in Policy 23 comes from two directions. On the one hand, there are those who see the phasing as part of an excessive amount of housing development compressed into too short a period. On the other hand, the land-owner interest (representation 465) does not take issue with the amount of housing, but sees development taking longer than envisaged in the policy, and wishes the phasing to be deleted.

6. Representation 465 makes reference to the present economic climate, but, more importantly, says that capacity and phasing are for the masterplanning process. The masterplan has not advanced to a point where it would be right to pre-determine the amount or composition of any phase.

7. The Council's response describes some of the origins of what is proposed for Cawdor, but does not provide justification for selection of 285 as the number of new dwellings envisaged in Policy 23.

8. I conclude that, in the absence of completion of the detailed work entailed in the masterplanning process, it is possible to determine neither the amount of new housing that should be built in the masterplan area, nor at what rate building should proceed. The phasing element of Policy 23 should therefore be deleted.

9. Deletion of the phasing will remove from the policy any reference to the total amount of housing. Ongoing public consultation as part of the masterplanning process will give opportunity for consideration of all parties' views as to what the total amount of housing should be.

Conservation area and local character

10. Representations regarding the amount of growth, summarised above, include concerns that the existing village would be overwhelmed, with a detrimental effect on its character and identity. Representation 465 says that the presence of the outstanding conservation area makes circumstances at Cawdor unique, but there is no recognition of this.

11. In its response, the Council says that it will take into account the outstanding conservation heritage of Cawdor.

12. From the fact that there is an outstanding conservation area at Cawdor and from what I have observed during inspection of the village, I find that proposals for development should be designed with particular care to ensure that the character and appearance of the village is enhanced. This will require a particularly high standard of design. My conclusion is that this requirement should be included in Policy 23.

Natural heritage

13. The *Natural, Cultural & Built Heritage* section of Policy 23 contains a requirement regarding Cawdor Woods. Representation 465, on behalf of the Trustees of Cawdor Scottish Discretionary Trust, says that Cawdor Woods are not within the Trustees' control. It suggests deletion of the two bullet points that mention Cawdor Woods, putting instead:

a Recreational Management Plan for Cawdor which takes into account the Cawdor Woods SSSI/SAC

The Council accepts that this offers a clearer statement.

14. Representation 118 from Scottish Natural Heritage says that the proposals for Cawdor should be assessed as part of the Habitats Regulations Appraisal of the plan. The *Green Networks & Open Space* section of Policy 23 should omit reference to funding the coastal trail. Increasing the number of people using the coastal trail may impact on the Inner Moray Firth SPA.

15. At the time of its representation, Scottish Natural Heritage was awaiting the outcome of the Council's Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. On pages 35 and 36, consideration is given to possible effects on Cawdor Wood SAC. The identified mitigation is to:

Amend bullet point to read:

Recreational Access Management Plan to be prepared in order that any adverse effects on the integrity of the Cawdor Wood SAC are avoided.

16. Scottish Natural Heritage was asked to comment. In a letter dated 3 October 2011, Scottish Natural Heritage indicates that the proposed mitigation should be included in the plan. It also recommends that the *Design* section of Policy 23 should read:

A design framework will be required to ensure development fits with the landscape character and special qualities of the area.

17. I find that the concerns in the representations are well-founded and that the suggested modifications would adequately address them. My conclusion is that the plan should be modified accordingly.

Green networks and open spaces

18. In Policy 23, the developer requirements include items listed under *Green Networks & Open Space* and items listed under *Natural, Cultural & Built Heritage*. Representation 285 says that these should be linked, and high-quality green networks and open spaces should be designed to be good for people and wildlife. I find that the policy as it stands gives sufficient scope for achieving the quality of design sought in the representation. My conclusion is that the plan need not be modified in response to this representation.

Sustainability

19. Representation 155 refers to certain "principles." "Housing should be located close to employment and services and also to public transport. The co-operation of housing developers, land use planners and transport planners will be crucial to ensure that we build in such a way that accessibility is maximised and car dependency minimised." (*Sustainable Housing Design Guide for Scotland*, 1.1.4 Creating sustainable settlements). "Promote a mix of land uses that allows houses and jobs to be closely related.....Every new dwelling should have a new job created." (*A96 Growth Corridor Development Framework*, page 9). The representation says that Cawdor expansion does not comply with these principles. It is therefore not sustainable.

20. Representation 208 says that there is no indication as to how new employment might be achieved. Unless employment opportunities are pre-condition of development, Cawdor is likely to become a dormitory for Inverness, negating sustainability.

21. The Council points out that the allocation is for a mixed-use proposal. To be sustainable, the proposal is to deliver a mix of uses including local jobs, community services and facilities.

22. I note that *Scottish Planning Policy* says that the planning system should support a pattern of development which reduces the need to travel, facilitates travel by public transport.....and provides safe and convenient opportunities for walking and cycling (paragraph 165).

23. I find that housing development on the Cawdor expansion site would be inconsistent with *Scottish Planning Policy* and the similar points raised in the representations if residents in the development had no choice but to travel by car for some distance to reach places of employment.

24. My conclusion is that Policy 23 should contain two additional requirements. First, each phase of the housing element of the mixed use expansion must be accompanied by provision for employment-creating development. Second, later phases of the housing element must not proceed until the new employment opportunities associated with the preceding phase have been established.

Transport

25. Representation 465 says that the first bullet point under *Transport* in Policy 23 is not appropriate. There are four reasons for this.

- In view of objections to the phasing part of the policy, the bullet point should say “road improvements consistent with phasing.”
- The “updated Developer Contributions Protocol” is still to be prepared. The plan should not predetermine application of the protocol to Cawdor.
- There is no evidence to demonstrate the “later phases” will necessarily require “contributions to wider strategic transport improvements.”
- In the proposed plan, no other policy for smaller settlements has a requirement relating to “wider strategic transport improvements.” This aspect of Policy 23 is therefore unfair and inconsistent.

The first and second bullet points under *Transport* should both be deleted and replaced by a single bullet point requiring road improvements consistent with phasing.

26. In its response, the Council says that reference to wider strategic road improvements had been suggested by Transport Scotland. The Council commends deletion of the second bullet point under *Transport* and putting instead:

Development of the later phases may also require developer contributions towards provisions of strategic infrastructure in line with an amended A96 Corridor Protocol.

27. I note that Circular 1/2010: *Planning Agreements*, in paragraph 11, sets out five tests, all of which must be met if a planning agreement is to be sought. The first test is that the agreement must be necessary to make the proposed development acceptable in planning terms. From the evidence presently available, it is not possible to say what improvements (if any), either to the local road network or to the wider strategic network, would be necessary to make acceptable the proposed development or any particular phase of it.

28. Need for transport improvements is commonly identified by carrying out a transport assessment. My conclusion is that Policy 23 should make clear that necessary transport improvements will have to be implemented, and that any such improvements will be identified through preparation of one or more transport assessments.

29. Regarding the “updated Developer Contributions Protocol,” if this is in force at the time when a transport assessment is being prepared, the assessment could take it into account.

Developer contributions

30. Representation 465 says that, to meet the requirement in the last sentence of paragraph 15.10.2, a substantial commitment to the public realm will be needed. The Trustees are committed to creating a quality of environment appropriate to the outstanding conservation area. Cawdor should not be subject to any additional levy that would make it less likely that development would reflect the distinctive character and unique identity of the existing village. Under *Miscellaneous* in Policy 23, the second and fourth bullet points should be deleted. Instead, the following should be included:

Any developer contributions will take account of the Outstanding Conservation Area designation, design commitments made to the public realm as part of a masterplan, and related cost implications.

31. In response, the Council says that the delivery of wider infrastructure is as relevant to Cawdor as it is to other development areas throughout the A96 corridor. The Council will take account of the

outstanding conservation heritage of Cawdor, but will equally seek to ensure that fair and equitable contributions are made to infrastructure and facilities that are impacted on by the development.

32. I find that the logic of the representation rests on an assumption that the planning authority, through its development plan, has some kind of freedom to decide whether it would like to require developer contributions. The authority could certainly waive a requirement for a contribution if there were some alternative means whereby a proposed development could be made acceptable. This aside, if a contribution is necessary to make development acceptable, the contribution has to be required if the development is to receive planning permission.

33. On the basis that the Council will only be pursuing contributions that are necessary to make development acceptable, my conclusion is that the plan should not be modified in response to this aspect of the representation.

Extent of development area

34. Several representations express concern about the extent of the area that might be developed.

35. Grounds of objection from the tenant farmer at Newton of Cawdor (representation 214) include the following.

- The mixed use allocation covers land fundamental to the livestock operation at Newton of Cawdor. It would have an adverse impact to an unacceptable and unworkable level.
- There would be a negative impact on viability – farm unit is some 72 ha, which is relatively small.
- The allocation would remove the calving and observation fields. These are the only areas for outwintering, being sheltered and close to the farm house and buildings. Forcing stock indoors has adverse health impacts.
- New development should be located around the new primary school, to the west of Cawdor Burn, thus safeguarding the farm's viability. The allocation boundary should be revised accordingly.

36. Representation 214 is supported by representations 514 and 518. The latter also object to the form of development that would take place along Newton Road. Representation 515 refers to loss of good-quality agricultural land.

37. Representation 354 says that there should be no development south of Main Street, between it and Cawdor Wood. In this direction, the land rises. Any development on it would stand over the village and be completely out of keeping. The green space here is used daily by the villagers. Main Street is narrow, with a beautiful stone wall on its south side.

38. In response, the Council refers to an overall settlement allocation with the details of specific areas of development to be determined through the full development of the masterplan.

39. I note that Policy 23 says that the "Council will support the development of a masterplan for the expansion of Cawdor village." The Policy goes on to refer to Map 14, which should read Map 13. Map 13 shows an area designated as "Mixed Use Allocation."

40. Policy 23 makes it clear that a masterplan is to be prepared. In my view, an important function of the masterplan will be to identify acceptable land uses for each part of the masterplan area. A masterplan has yet to be completed and approved by the Council. Until this has been done, it is not possible to say which parts of the masterplan area should be used for residential development, which for employment-generating uses, which for structure planting and so on.

41. Part of the allocation area shown on Map 13 includes a section of the Cawdor Burn and adjacent woodland. It seems to me most unlikely that an approved masterplan would propose built development here.

42. From the foregoing, I find that inclusion of land in the masterplan area does not necessarily mean that the land will be used for housing or other built development. It is premature to assume that farmland along Newton Road or open space south of Main Street will be identified for built development.
43. I consider it preferable for the boundary of a masterplanning area to take in an extent of land somewhat larger than the area that is likely to be identified for development and new uses. Among other things, a more widely-drawn boundary should facilitate consideration of effects on the immediate setting of the area that is to be subject to change.
44. My conclusion is that the boundary shown on Map 13 need not be modified.
45. To help make clear that the area depicted on Map 13 is not a development footprint, the map legend should read *Masterplan Study Area*.

Inconsistency

46. Representation 208 says that Table 3 on page 50 is inconsistent with Policy 23. The Council's response is that a figure in the table should be corrected. I note that the row of figures for Cawdor in Table 3 shows an incorrect amount for 2011 to 2021. This should be corrected.

Other representations

47. Representation 326 from the Scottish Environment Protection Agency says that the flood risk assessment requirement in Policy 223 should be retained. I am not recommending its removal.
48. Other representations, including a number that voice support for Policy 23, have been drawn to my attention. These are not "unresolved representations" and consideration of them is therefore outwith my remit.

Reporter's recommendations:

I recommend the following modifications:

1. In Policy 23, delete all the text that precedes the heading *Transport* and put instead:

The Council will support preparation of a masterplan for the expansion of Cawdor village. The expansion will consist of mixed-use development, including dwellings, provision for the creation of new employment, and other community services and facilities. The area to be studied for the masterplan is shown on Map 13. The masterplan will give consideration to development over a period extending from 2011 to 2031. It will identify phases showing the order in which the expansion is to proceed.

The following requirements will need to be met by the developer:
2. In Policy 23, before the section headed *Transport*, insert a new section:

Employment creation

 - Each phase of the housing element of the mixed use expansion must be accompanied by provision for employment-creating development;
 - Apart from the first phase, no other phases of the housing element shall proceed until the new employment opportunities associated with the preceding phase have been established;
3. In Policy 23, under *Transport*, delete the first and second bullet points and put instead:
 - A transport assessment of the expansion proposals as a whole, or separate assessments of each phase of the expansion. The assessment(s) will identify all transport network improvements that are necessary to make development acceptable. The assessment(s) will take into account the provisions of any

Developer Contributions Protocol that is in force at the time;

- Implementation of improvements to the transport network, either local to Cawdor or further afield, that have been identified as necessary to make development acceptable.

4. In policy 23, under *Green Networks & Open Space*, delete from the first bullet point all the words following “contribution” and put instead:

to the Inverness-Nairn Landward trail;

5. In Policy 23, under *Natural, Cultural & Built Heritage*, delete the last two bullet points and put instead:

- a Recreational Access Management Plan for Cawdor, designed to avoid adverse effects on the integrity of the Cawdor Woods SSSI/SAC

6. In Policy 23, under “Design,” delete the bullet point and put two new bullet points:

- A design framework will be required to ensure development fits with the landscape character and special qualities of the area.
- Proposals for development must be designed with particular care to ensure that they embody a particularly high standard of design which enhances the character and appearance of the village as a whole, bearing in mind the “outstanding” status of Cawdor conservation area.

7. On Map 13: *Cawdor Expansion*, delete from the legend *Mixed Use Allocation* and put instead *Masterplan Study Area*.

8. In Table 3 on page 50, delete “80” as the 2011 to 2021 figure for Cawdor and put instead “155”.

Issue 24	Nigg	
Development plan reference:	Policy 24 (Para 16.7, Page 68)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Health and Safety Executive (HSE) (53) Scottish Natural Heritage (118) Carl Beck (178) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Development of Nigg Yard and associated lands	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • HSE note that the development site includes areas within the consultation zone for hazardous installations and pipelines. They also advise that major hazards and pipelines should be identified on any maps accompanying the plan. (53) • SNH state that the proposal and policy should be subject to Habitats Regulations Appraisal (HRA) and that a number of developer requirements need to be added to this policy to safeguard the Natura sites. (118) • Suggestion that heavy industry currently operating out of the Port of Invergordon should be encouraged to relocate to Nigg. This would help to establish a multi-use site at Nigg and have lasting benefits for the Highlands. It would also remove a blight from the centre of Invergordon and would encourage the growth of tourism and leisure at the Port of Invergordon. (178) • SEPA object to this policy unless it is altered to include a developer requirement that, dependant on the specific location of a development proposal in relation to the watercourse and coastal areas within the southern boundary, a flood risk assessment should be provided and no development should take place in an area found to be within the functional floodplain as defined by Scottish Planning Policy. They advise that this change is required because the present allocation is larger than the previous allocation and Masterplan which SEPA commented on and now includes a minor watercourse which may put this area at the risk of flooding. • The minimum formation level for the site (based on an earlier Flood Risk Assessment (FRA) should be set at 3.62 AOD for the sites identified as being a risk of coastal flooding only. (326) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Pipelines and major hazard sites should be identified on the map • Change to the Masterplan to include a positive commitment to encourage existing heavy industry operators at the Port of Invergordon to relocate to Nigg • Habitat Regulations Appraisal • Further developer requirements to protect the Natura sites • Developer requirement to produce a flood risk assessment and a prohibition on development on parts of the site found to be within the functional flood plain. 		
Summary of responses (including reasons) by planning authority:		
<p><u>Impact on pipelines and other major hazards</u></p> <ul style="list-style-type: none"> • The Council note the presence of a pipeline and other potential major hazard sites. Appropriate consultation with HSE would be carried out through the Development Management process. The Council will also produce Supplementary Guidance on physical constraints as indicated in the Action Programme for the HwLDP. 		

Heavy industry in the Port of Invergordon

- The Masterplan has been produced to reflect the strategic significance of the Nigg Yard in relation to the plan's vision for Mid and Easter Ross as a corridor of employment and housing growth. It is hoped that unlocking the development potential of the Nigg Yard will have substantial benefits for the whole area. The future users of the Nigg Yard have yet to be confirmed but it there may be opportunities for operators to relocate from the Port of Invergordon. Any significant proposals for land use changes in Invergordon port area will be the subject of more detailed consideration in the forthcoming Inner Moray Firth LDP.

Habitats Regulations Appraisal

- HRA of the masterplan has been carried out and will form part of the HRA of the plan. The detail on developer requirements is contained within the Masterplan which will be adopted as Supplementary Guidance.

Developer Requirements to protect the Natura Sites

- The Nigg Development Masterplan recognises that any development within the Masterplan area has the potential to impact on nearby designated sites during both the construction and operational stages. Where appropriate further studies will be produced and any development would be expected to follow a robust Project Environment Management Process which would be agreed with the Council and other agencies.

Developer Requirements in relation to flood risk

- Map 14 will be amended to reflect the site boundary identified in the Masterplan, therefore according with the Flood Risk Assessment work undertaken and agreed with SEPA in the preparation of the Nigg Development Masterplan.
- The Masterplan reflects the findings of the previous FRA and recommends a minimum formation level of 3.62 AOD for the site. The Masterplan also notes that site specific FRAs may be required in support of individual planning applications.

In response to the comments from SNH and SEPA it should be noted that this policy seeks to establish the principal of the development. The details are contained in the Masterplan which was subject to consultation with key agencies.

Any further plan changes commended by the planning authority:

Minor correction to the Masterplan Area map.

Reporter's conclusions:*Hazardous installations and pipelines*

1. In representation 53, the Health and Safety Executive says that consultation distances for hazardous installations or pipelines may encroach on the proposed development area at Nigg. Any maps that form part of the proposed *Highland-wide Local Development Plan* should identify major hazard sites and pipelines.

2. In its response, the Council notes the presence of potential major hazards, refers to consultation as part of the development management process and refers to supplementary guidance associated with policy 31: *Physical Constraints*.

3. I note that paragraph 16.2 of the proposed plan makes reference to the *Nigg Development Master Plan – Final Report – September 2009*. In section 2.6.1 of the report (pages 31 and 32) it says:

Following comments received during consultation HSE state that the Oil Terminal is a major hazard site which has an overall consultation distance of 1000 metres.

4. I attach considerable weight to the need to ensure that developers are aware of all hazardous

installations and pipelines so that the location and design of proposals may take into account the related safety issues.

5. From all the foregoing, I conclude that the supporting text for policy 24 should mention the existence of hazardous installations and refer to policy 31. I find no need to alter Map 14.

Habitats Regulations Appraisal

6. In representation 118, Scottish Natural Heritage says that it is unable to come to a final view until such time as the Council has completed its Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. In a letter dated 3 October 2011, Scottish Natural Heritage withdrew its representation regarding policy 24. In doing so, it made the following comment:

HRA record refers to key mitigation set out in Appropriate Assessment of Masterplan.

In view of this, I conclude that no alteration to policy 24 is required.

Invergordon

7. Representation 178 says that heavy industry at the Port of Invergordon should be encouraged to relocate to Nigg. This would have benefits for both locations. In its response, the Council says that the future users of Nigg Yard are yet to be confirmed, but there may be opportunities for relocation from Invergordon.

8. I note that the Council is open-minded regarding the suggestion in the representation. I conclude that it would not be appropriate to take the matter any further until such time as the future of the yard becomes clearer.

Flood risk

9. In representation 326, the Scottish Environment Protection Agency objects to policy 24 unless there is a requirement that proposals are subject to flood risk assessment. The Agency explains that its objection arises because the proposed allocation covers an area larger than that regarding which there had been earlier consultation. In its response, the Council says that Map 14 should be amended to reflect the site boundary identified in the master plan. Map 14 would then accord with flood risk assessment work that has been agreed with the Scottish Environment Protection Agency.

10. I take it that the amendment envisaged by the Council would confine the “Business & Industrial” area on Map 14 to the existing developed areas of the oil terminal and disused fabrication yard plus the areas designated “Platform A” and “Platform B” on figure 6.2: *Option 2 Concept Master Plan* in the *Nigg Development Master Plan – Final Report – September 2009*. Map 14 might also show the three “Potential Expansion” areas and the tree planting areas.

11. My conclusion is that alteration of Map 14 along the above lines would meet the concern in the representation.

Reporter’s recommendations:

I recommend the following modifications:

1. After paragraph 16.6, insert a new paragraph:

The Health and Safety Executive identifies the presence of a major hazard site at Nigg. This will be taken into account in the Nigg Development Master Plan. Developers should also note the terms of policy 31: *Physical Constraints*.

2. Alter Map 14: *Nigg Development Master Plan Area* as follows:

Redraw the boundary of the area designated “Business & Industrial” so that the designated area is

restricted generally to the oil terminal, the disused fabrication yard and the areas designated “Platform A” and “Platform B” in figure 6.2 of the *Nigg Development Master Plan – Final Report* of September 2009. If so desired, the three “Potential Expansion” areas and the tree-planting areas identified on figure 6.2 may also be shown on Map 14.

Issue 25	Dounreay	
Development plan reference:	Policy 25 (paras. 17.2-17.4, map 15, pages 70-71) [and Para. 22.13]	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dounreay Site Restoration Ltd (DSRL) (26) Health and Safety Executive (HSE) (53) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326) Thurso & Wick Trade Union Council (437)</p>		
Provision of the development plan to which the issue relates:	Dounreay site, Caithness [and position on Radioactive Waste]	
Planning authority's summary of the representation(s):		
<p><u>Dounreay Site Restoration Ltd. (DSRL) (26)</u> Paragraph 17.2.1 – describes returning the site to “as near as practical its original condition”. Note, this only relates to those parts of the site that the Nuclear Decommissioning Authority (NDA) wishes to be de-licensed and which the Regulatory Authorities will allow to be de-licensed. Either all or parts of the site may need to remain licensed and under Regulatory Control. (26)</p> <p>Paragraph 17.2.4 – amendment is suggested to provide clarification and update in respect of programming of work and milestones at Dounreay. (26)</p> <p>Policy 25 is welcomed. It provides confidence and assurance to enable Dounreay to complete its decommissioning and remediation programme and that these projects continue to be regulated in land use and environmental terms. (26)</p> <p>The Council's position on radioactive waste (stated at paragraph 22.13 of the Plan) is supported. (26)</p> <p><u>Health and Safety Executive (HSE) (53)</u> HSE reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. Dounreay is a major hazard site. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public. (53)</p> <p><u>Scottish Natural Heritage (SNH) (118)</u> The proposal and policy should be subject to Habitats Regulations Appraisal, which should inter-relate with HRA of the Planning Framework. (118)</p> <p>The SEA for the plan identifies potential developer requirements. Unless this is to be covered wholly by supplementary guidance then these developer requirements should be included here. (118)</p> <p><u>Scottish Environment Protection Agency (SEPA) (326)</u> SEPA object to this policy unless the policy includes a developer requirement that, dependant on the specific location in relation to the Dounreay Burn, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place</p>		

in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. The current allocation is larger than the allocation on which we were consulted earlier. The north-eastern part of the allocation shows presence of several small watercourses. Further, Dounreay Burn flows through the site and the SEPA Flood Map shows the extents of fluvial flooding associated with this watercourse. (326)

Thurso & Wick Trade Union Council (437)

Welcomes the commitment to update the Council's Planning Framework for Dounreay (2005) as Supplementary Guidance to the HwLDP. (437)

Modifications sought by those submitting representations:

Amendment of paragraph 17.2.1 to provide clarity (assumed). (26)

Amendment of paragraph 17.2.4 to read: "The scheduling of work, including the declared end date, is being reviewed to comply with a cap on annual funding announced by the NDA. A new end date may emerge in 2012 following the award by the NDA of a new contract for the site closure programme". (26)

Include developer requirements from SEA if not to be covered in full by Supplementary Guidance. (118)

Add in developer requirement that, dependant on the specific location in relation to the Dounreay Burn, any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. (326)

Summary of responses (including reasons) by planning authority:

The support expressed for the relevant parts of the Plan is welcomed.

The Dounreay Planning Framework (DPF) has previously been prepared, and approved by the Council as non-statutory supplementary planning guidance and is available at this link. This link is included within the Highland wide Local Development Plan. A revised version of the DPF is currently being prepared. In progressing and adopting the revised DPF as statutory supplementary guidance the Council has opportunity to, and will, ensure that there is adequate coverage of the issues raised in the SEA and that these and other such matters sought to be included above are added as specific developer requirements e.g. flood risk assessment. The Reporter may nonetheless wish to recommend that these are included in the Plan, although the Council does not consider that necessary given the opportunity to put them into the revised DPF and in so doing to think through in detail any implications of those.

Policy 25 concerns the Dounreay site itself and the consequences and opportunities for the site arising from its decommissioning. Consideration of the implications of its status as a major hazard site is therefore central to the consideration of any planning proposals for it e.g. in preparing the revised DPF or indeed in dealing with any planning applications for development on it. Appropriate future uses on the site will be determined by an appreciation and assessment of any hazard risk. The Council is considering the proposal individually and cumulatively as part of the Habitats Regulations Appraisal of the Plan, on which work is on-going.

With regard to the points raised by Dounreay Site Restoration Limited (26), it is agreed that the policy and supporting text could be clarified and updated to reflect current thinking with regard to review of the end date, referencing of 'interim end point' and 'agreed site end state', remediation and working to identify opportunities for economic reuse. These are commended below. However, the Council feels that the part of the text suggested by DSRL indicating that a new end date may emerge in 2012 should not be included as it is unnecessary and may be better referred to in the revised Dounreay Planning Framework.

Any further plan changes commended by the planning authority:

That the wording of Paragraph 17.2.1 be amended to read:

“Dounreay, the UK’s centre of fast reactor research and development from 1955 until 1994, is now Scotland’s largest nuclear clean-up and demolition project. This involves construction, demolition and waste management, designed to deliver the agreed Site End State with progressive hazard removal and reduction of risk. It should be noted that further site remediation may be necessary and sought, to a level dependent upon the type of any future use proposed on the site. Government policy ‘The Decommissioning of UK’s Nuclear Facilities’ states that ‘decommissioning operations should be carried out as soon as reasonably practicable taking all relevant factors into account’. These include safety, risk, security, environmental protection, funding, resources, waste management, stakeholder views, skills, socio-economics and sustainability.”

That the wording of paragraph 17.2.4 be amended to read:

“Considerable progress has been made on the first phase of decommissioning works and the timescale for the remaining two phases reassessed. The scheduling of work, including the declared end date of 2025, is being reviewed to comply with a cap on annual funding announced by the NDA.”

That Policy 25 (paragraph 17.3.1) be amended to read:

“The Council will support proposals which meet the requirements of the updated Planning Framework for Dounreay. This document is being prepared by the Council in partnership with Dounreay Site Restoration Limited and will be adopted as Supplementary Guidance to this Plan. It provides guidance on the phasing of the decommissioning and restoration works and achievement of the Interim End Point and Site End State. The Council will work with the Nuclear Decommissioning Authority towards the early identification of opportunities for the economic reuse of existing Dounreay facilities and land.”

Reporter’s conclusions:**Further information received**

1. In response to a request from the reporter, the Council submitted the following text, setting out the main principles of the Planning Framework for Dounreay:

The main principles will be:

- the timely, safe and environmentally acceptable decommissioning, restoration and after-use of the Dounreay site;
- phasing through to the interim end point, setting out the developments required for decommissioning and restoration towards achieving the site end state, including new build, adaptation, demolition and remediation;
- sufficient flexibility to respond to changing constraints whilst not placing undue restrictions on the site operator; and
- indication of potential new interim uses and end uses for parts of the site in support of economic regeneration of the area.

2. SEPA has suggested additional wording to accommodate its concerns regarding flood risk.

3. SNH has withdrawn its representations with regard to Habitats Regulations Appraisal of the plan. The relevant matters have been screened out individually and in combination in tables 2 and 4 of the Habitats Regulations Appraisal Record, respectively.

Conclusions

Introductory text (representation 26)

4. The suggested amendments to paragraphs 17.2.1 and 17.2.4 have now been addressed in the Council’s commended new paragraphs, which are essentially descriptive.

Strategic Environmental Assessment/ Flood risk (representations 118, 326)

5. Developer requirements identified in the Revised Environmental Report on Strategic

Environmental Assessment of the plan should be addressed in the supplementary guidance. Reference to this should be made in the main principles of that guidance. Those requirements include a flood risk assessment

Supplementary guidance (representation 324)

6. The Dounreay Planning Framework is a suitable topic for supplementary guidance, in line with Circular 1/2009: Development Planning. The Scottish Government representation invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that this was not the case, and requested further information regarding the main principles of the guidance. The main principles submitted by the Council are set out above, under “further information received.” I consider that these are satisfactory.

Reporter’s recommendations:

I recommend the following modifications:

1. The wording of paragraphs 17.2.1 and 17.2.4 should be modified as set out in the Council’s commended revised text (above).
2. The third sentence of the policy should be replaced by the following.
The main principles of the Dounreay Planning Framework will be:
 - the timely, safe and environmentally acceptable decommissioning, restoration and after-use of the Dounreay site;
 - phasing through to the interim end point, setting out the developments required for decommissioning and restoration towards achieving the site end state, including new build, adaptation, demolition and remediation;
 - sufficient flexibility to respond to changing constraints whilst not placing undue restrictions on the site operator;
 - indication of potential new interim uses and end uses for parts of the site in support of economic regeneration of the area; and
 - developer requirements as set out in Appendix 5 of the Revised Environmental Report of the plan, relating to Policy 25: Dounreay.

Issue 26	John O’Groats	
Development plan reference:	Policy 26 (paras. 17.5-17.7, map 16, pages 72-73)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) Highlands and Islands Enterprise (HIE) (190) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	John O’Groats site, Caithness	
Planning authority’s summary of the representation(s):		
<p><u>Brenda Herrick (5)</u></p> <ul style="list-style-type: none"> Not sure how the existing site will be turned into a typical Scottish village as the plan gives no indication of this but do hope this means the buildings will indeed be well designed. (5) <p><u>Scottish Natural Heritage (SNH) (118)</u></p> <ul style="list-style-type: none"> To link the SEA and the plan the developer requirements from the SEA should be included in the plan if not covered by Supplementary Guidance. (118) <p><u>Highlands & Islands Enterprise (HIE) (190)</u></p> <ul style="list-style-type: none"> Welcome the intention, following consultation and possible amendment, to adopt the John O’Groats Masterplan as possible Supplementary Guidance to the plan. However Map 16 on page 73 highlights only one of the proposed areas for development, the ‘core’ area. (190) <p><u>Scottish Environment Protection Agency (SEPA) (326)</u></p> <ul style="list-style-type: none"> SEPA were not consulted on the John O’Groats Masterplan and so are not aware if it covers the issues we may have an interest in. We recommend that the process of adopting this plan as Supplementary Guidance must provide stakeholders with the opportunity to provide input at that stage. (326) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Include developer requirements from SEA if not to be covered in full by Supplementary Guidance. (118) Amendment of Map 16 to correspond with the HIE Masterplan to take in the ‘coast’ and ‘community’. (190) 		
Summary of responses (including reasons) by planning authority:		
<ul style="list-style-type: none"> The masterplan for John O’Groats has been prepared by consultants for Highlands & Islands Enterprise and is available at this link. The link to this masterplan is included within the Highland wide Local Development Plan. In adopting this masterplan as supplementary guidance, the Council has opportunity to, and will, ensure that there is adequate coverage of the issues raised in the SEA and that these are added as specific developer requirements. The Reporter may nonetheless wish to recommend that these are included in the Plan, although the Council does not consider that necessary given the opportunity to put them into the masterplan and in so doing to think through in detail any implications of those. The Council will consult SEPA and ensure that sufficient opportunity for engagement has been provided before adopting 		

the masterplan. The masterplan provides more information about how the site may be developed and the Plan's general policies will also be used to seek good design. Whilst the masterplan deals primarily with the core area indicated on map 16, it also provides guidance in respect of the coast and community areas. The Council suggests that rather than showing these on the map, they be referred to in the text of the Plan for clarity.

Any further plan changes commended by the planning authority:

- Reword the final sentence of paragraph 17.5.2 to read "The core area covered by the masterplan is indicated on Map 17" and in paragraph 17.5.3 add a final sentence referring to the inclusion in the masterplan of guidance for community and coast areas beyond the core area.

Reporter's conclusions:

Further information received

1. In response to a request from the reporter, the Council has submitted text setting out the main principles of the masterplan, as follows:

The main principles of the masterplan will be:

- good quality building design
- identification of the focal destination point
- regeneration of the existing hotel site, supplemented by additional accommodation
- retention of valued assets
- provision of a visitor centre and space for enhanced food and drink facilities
- car parking around the periphery of the core harbour-side area
- interconnection and improvement of the coastal paths
- maximise the attraction of the natural flora, fauna and landscape assets
- physical improvements to public parts of the harbour area
- setting out phasing as a guide to growth, taking into account deliverability and key components for a first phase.

Conclusions

Strategic Environmental Assessment (representation 118)

2. Requirements arising from the Strategic Environmental Assessment of the plan and set out in Appendix 5 to the Revised Environmental Report should be incorporated into the masterplan. The need to do so should be referred to along with the main principles of the masterplan.

Map 16/core area (representation 190)

3. Map 16 indicates only the boundary of the core area of the masterplan. (I note in passing that Maps 17 and 18 also show only boundaries and not the masterplans themselves). The title of Map 16 should therefore be amended to John O'Groats: Core Area covered by Masterplan. The supporting text should be amended accordingly, and reference made to the other areas addressed by the masterplan.

Supplementary guidance (representation 324)

4. The John O'Groats Masterplan is a suitable topic for supplementary guidance, in line with the advice in Circular 1/2009: Development Planning. Representation 324 from the Scottish Government invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that further information was required. I consider that the main principles submitted by the Council, amended as I refer to above are sufficient for the purpose.

Reporter's recommendations:

I recommend the following modifications:

1. The last sentence of paragraph 17.5.2 should be modified to read:

The core area covered by the masterplan is indicated on Map 16.

2. A sentence should be added to the end of paragraph 17.5.3 along the lines of:

The masterplan will include guidance for the community and the coastal areas beyond the core area.

3. The following should be added to the policy.

The main principles of the masterplan will be:

- good quality building design
- identification of the focal destination point
- regeneration of the existing hotel site, supplemented by additional accommodation
- retention of valued assets
- provision of a visitor centre and space for enhanced food and drink facilities
- car parking around the periphery of the core harbour-side area
- interconnection and improvement of the coastal paths
- maximising the attraction of the natural flora, fauna and landscape assets
- physical improvements to public parts of the harbour area
- setting out phasing as a guide to growth, taking into account deliverability and key components for a first phase
- developer requirements as set out in Appendix 5 to the Revised Environmental Report with respect to Policy 26: John O'Groats.

4. The title of Map 16 should be modified to "John O'Groats: Core Area covered by Masterplan". The supporting text should be modified accordingly.

Issue 27	Castletown	
Development plan reference:	Policy 27 (paras. 17.8-17.10, map 17, pages 74-75)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326) Scotia Homes (532)		
Provision of the development plan to which the issue relates:	Castletown site, Caithness	
Planning authority's summary of the representation(s):		
<p><u>Brenda Herrick (5)</u></p> <ul style="list-style-type: none"> Understands there was to be a large development by Scotia Homes at Castlehill with a new access road across the field but this is not shown on the map. Have pointed out to the developer that the access road should be created at the same time as the houses since the existing road, Harbour Road, cannot accommodate more traffic. (5) <p><u>Scottish Natural Heritage (SNH) (118)</u></p> <ul style="list-style-type: none"> To link the SEA and the plan, the developer requirements from the SEA should be included in the plan if not covered by supplementary guidance. (118) Allocation should not include Dunnet Links SSSI, where recreational impact is an issue. (118) Avoidance of impact to Dunnet Links SSSI and a protected species survey and mitigation plan should be subject of developer requirements. (118) <p><u>Scottish Environment Protection Agency (SEPA) (326)</u></p> <ul style="list-style-type: none"> SEPA object to this policy unless the policy includes a developer requirement that any development proposals are subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be at risk of flooding. This is because the 1 in 200 year coastal flood level for the area is 3.55m AOD. In addition there are watercourses which are mapped for Flood Risk in the SEPA flood maps. The development brief should also ensure that the Burn of Garth is protected from any adverse impacts on the water environment. (326) <p><u>EMAC Planning LLP for Scotia Homes (532)</u></p> <ul style="list-style-type: none"> Scotia Homes Ltd is supportive of the proposed plan in relation to Section 17.8, Policy 27: Castletown and the identified land area on Map 17: Castletown Masterplan. The submissions made for Scotia on the earlier Main Issues Report illustrate Scotia Homes Ltd support of the masterplan vision for Castletown. The Policy position of the Council, incorporated into the LDP Proposed Plan is supported and welcomed. Scotia Homes intends to work with the Council, the community and other interested parties to achieve the objectives of the policy. (532) Scotia Homes have demonstrated their commitment to the first stages of delivery of the masterplan vision by submitting an application on part of the site (11/0403), details of which have been provided in the representation. (532) Scotia Homes are supportive of the principles of sustainable design, high quality design and the creation of sustainable communities and state commitment to applying these principles within future development proposals at Castletown. (532) 		

Modifications sought by those submitting representations:

- Include developer requirements from SEA if not to be covered in full by Supplementary Guidance. (118)
- Adjust boundary of Map 17 to exclude Dunnet Links SSSI. (118)
- Add in developer requirement to ensure avoidance of adverse effects on the adjacent Dunnet Links SSSI. (118)
- Add in developer requirement that any development proposals shall be subject to a Flood Risk Assessment before any application is determined and that no development takes place in an area subsequently found to be at risk of flooding. (326)
- The development brief should also ensure that the Burn of Garth is protected from any adverse impacts on the water environment. (326)

Summary of responses (including reasons) by planning authority:

The masterplan for Castletown has been prepared by the Prince's Foundation for the Built Environment and is available at this link. The link to this masterplan should be included within the Highland wide Local Development Plan. In adopting this masterplan as supplementary guidance, the Council has opportunity to, and will, ensure that there is adequate coverage of the issues raised in the SEA and that these and other matters sought to be included above are added as specific developer requirements. The Reporter may nonetheless wish to recommend that these are included in the Plan, although the Council does not consider that necessary given the opportunity to put them into the masterplan and in so doing to think through in detail any implications of those. Given that the masterplan is dealing with settlement-wide opportunities and constraints rather than dealing with development of a single site, and that the masterplan is already in existence, the boundary identified in the Plan should not be changed.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:**Further information received**

1. In response to a request from the reporter, the Council explained that the Castletown Masterplan was prepared by the Prince's Foundation for the Built Environment in the context of the Caithness Local Plan but that it had not been adopted by the Council as guidance. The Council's intention is to undertake an appropriate level of consultation further to that already undertaken during the preparation of the masterplan then, following possible amendment, to adopt it as supplementary guidance.

2. The Council submitted text setting out the main principles of the masterplan, as follows:
The main principles of the masterplan will be:

- protecting and enhancing the character of the village
- establishing a stronger connection between Castletown and Castlehill
- setting out phasing as a guide to growth and providing a clear steer on the direction(s) and emphasis for long term growth proposals
- reusing and adapting redundant building stock
- rejuvenating the harbour area and improving key streets
- providing opportunities for jobs and facilities for local people
- providing opportunities for affordable housing.

3. Subsequently, for the purposes of clarification and to address the representation by SNH, the Council has suggested that the second sentence of the policy be amended to read:

The Council intends to adopt the guidance (as outlined above) following consultation and possible

amendment as supplementary guidance to this plan.

It further suggests the possible addition to the above list of principles for the masterplan of a bullet point reading:

- safeguarding the natural, built and cultural heritage resource

or, alternatively:

- avoiding adverse effects on Dunnet Links SSSI.

4. SEPA wishes to see the main principles include a requirement that new development is not at significant risk of flooding.

Conclusions

Access road (representation 5)

5. Regarding access to a proposed development at Castletown, access details are more appropriately considered in the masterplan

Dunnet Links SSSI (representation 118)

6. The north-east boundary of the existing masterplan overlaps with Dunnet Links SSSI, yet the masterplan makes no reference to the SSSI. On pages 32-34 the masterplan makes a number of recommendations for development in the area which lies within the SSSI. On the face of the matter, these have the potential to impact on the special interests of that area. The masterplan also makes various suggestions to increase the recreational attraction of the beach area, whereas SNH maintain that recreational impact is an issue in relation to the SSSI, which includes the beach.

7. I consider that the Council’s suggested amendments to the wording of the policy would address those concerns.

Strategic Environmental Assessment/ Developer requirements (representations 118, 326)

8. Appendix 5 to the Revised Environmental Report for the plan sets out developer requirements for development at Castletown. These requirements should be referred to in the main principles of the masterplan. I note that item 18 in the relevant section of the revised report requires a protected species survey and any resulting mitigation, but this is missing from the final list of developer requirements. However, I agree with SNH that a protected species survey and mitigation plan should be the subject of developer requirements.

9. As SEPA points out, any development proposals should be the subject of a flood risk assessment, as mentioned in the Revised Environmental Report. It should also be made clear that the Burn of Garth is to be protected from any adverse impacts on the water environment.

Reporter’s recommendations:

I recommend the following amendments.

1. The second sentence of the policy should be reworded as:

The Council intends to adopt the guidance (as outlined above) following consultation and possible amendment as supplementary guidance to this plan.

2. The following should be added to the policy:

The main principles of the masterplan will be:

- protecting and enhancing the character of the village
- establishing a stronger connection between Castletown and Castlehill
- setting out phasing as a guide to growth and providing a clear steer on the direction(s) and emphasis for long term growth proposals
- reusing and adapting redundant building stock

- rejuvenating the harbour area and improving key streets
- providing opportunities for jobs and facilities for local people
- providing opportunities for affordable housing
- avoidance of adverse effects on Dunnet Links SSSI
- fulfilment of developer requirements set out in the Revised Environmental Report on the Strategic Environmental Assessment of Policy 27: Castletown, including a protected species survey and mitigation plan
- ensuring that the Burn of Garth is protected from any adverse impacts on the water environment.

Issue 28	Masterplanned Proposals in Caithness	
Development plan reference:	Policy 28 (paras. 17.11-17.12, page 76)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Wildlife Trust (285) G H Johnston for Mr David Eason (476)</p>		
Provision of the development plan to which the issue relates:	Policy approach towards other Masterplanned Proposals in Caithness	
Planning authority's summary of the representation(s):		
<p><u>Scottish Wildlife Trust (285)</u></p> <ul style="list-style-type: none"> Effective public consultation should be undertaken from the outset of the masterplan process. (285) <p><u>G H Johnston for Mr David Eason (476)</u></p> <ul style="list-style-type: none"> The owner of land at Keiss harbour (Mr David Eason) wishes to progress potential for development at the harbour and the preparation of a master plan through a design-led approach. Policy 28 seems to cover the principle of the process for preparing a master plan for Keiss harbour in the future; clarification is simply sought that this is the case. (476) 		
Modifications sought by those submitting representations:		
None.		
Summary of responses (including reasons) by planning authority:		
<ul style="list-style-type: none"> As clearly stated in the policy, the preparation of any masterplan in the context of this policy will be required to involve effective public consultation. The Council is happy to discuss the opportunity to prepare a masterplan for the Keiss Harbour area in the context of this policy. 		
Any further plan changes commended by the planning authority:		
None.		
Reporter's conclusions:		
<p>Further information received</p> <p>1. The council acknowledges that because specific development opportunities for settlement expansion are not known at this stage, specific principles for any masterplan cannot be provided. It is suggested that the following should be incorporated into the policy: Such proposals will still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this plan.</p> <p>It is also suggested that the final sentence of the policy should read:</p>		

Suitable masterplans which follow this approach will be adopted by the council as supplementary guidance to this plan, subject to the statutory procedures for preparation of supplementary guidance being met and possible amendment of the masterplans prior to adoption.

Conclusions (representations 285, 324, 476)

2. The Scottish Government representation invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based.

3. Although Policy 28 states that suitable masterplans will be adopted by the Council as supplementary guidance to this plan, I consider that there is insufficient context within the policy, even as suggested for amendment, on which to base the guidance. The policy refers to any smaller settlement in the Caithness area where a developer might wish to follow a masterplanning process. Each settlement is different; the proposed policy context does not address those differences, and is too vague to be meaningful. This does not prevent masterplans being prepared, but they would not have statutory status.

4. The other representations do not raise matters requiring amendment to the plan.

Reporter's recommendations:

I recommend that:

1. The last sentence of the policy in the proposed plan should be deleted.

Issue 29	Sustainable Design	
Development plan reference:	Policy 29 (Para 18.5, Page 77)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Dounreay Site Restoration Ltd (DSRL) (26) Coal Authority (38) Scottish Natural Heritage (SNH) (118) Mrs E Holland (153) D and J Piggott (208) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Crofters Commission (271) Scottish Property Federation (291) Homes for Scotland (293) Scottish Environment Protection Agency (SEPA) (326) Transition Black Isle (330) Mrs Pat Kennedy (367) Moray Council (403) Myra Carus (422) Boyd Brothers Haulage (438) Cromarty and District Community Council (443) S & A Corbett, A & A Currie, W & K MacKenzie (519)</p>		
Provision of the development plan to which the issue relates:	Sustainable Design	
Planning authority's summary of the representation(s):		
<p>General support for the policy: (26, 38, 229, 291, 293, 326, 519)</p> <p><u>Concerns that the policy lacks detail on the following grounds:</u></p> <ul style="list-style-type: none"> • No mention of low-energy building design. (18, 422) • Does not specify the use of local, sustainable, low-carbon building materials. (18) • Does not encourage the provision of community renewable energy schemes. (18) • No specific reference to the need for developments to be assessed for Flood Risk and in relation to River Basin Management in order to meet the requirements of the Water Framework Directive (200/60/EC). (326) • Does not provide enough support for a reduction in CO2 emissions. (330) • Does not specify an energy reduction target as required by Scottish Government Scottish Planning Policy (SPP). (403) • Does not take account of the unavoidable use of the car (229). • Does not take account of ground stability from legacy of mining. (38) • Insufficient emphasis on sustainability and climate change (443) • Does not deal with medium term issues like Peak Oil (443) • Does not cover energy conservation (443) • Insufficient links with building standards (443) • No specific reference to effects on local food production (271) • Does not deal with sustainability of existing housing stock (422) • Does not provide for minimum standards (assumed) (422) <p><u>Concerns regarding the potential impact on the environment on the following grounds:</u></p> <ul style="list-style-type: none"> • Impact on protected species and habitats (118) 		

- Impact on designated areas (118)
- Loss of agricultural land (153, 208, 367)
- Loss of flora & fauna (153)

Concerns regarding the requirement for low and zero carbon technologies on the following grounds:

- Requirement is unrealistic and impractical (291)
- Requirement for 15% reduction in CO² emissions may affect viability of new developments. (293)
- House building industry already outperforms other sectors in relation to CO² reductions. (293)
- Building design, materials and construction offer a more effective approach to CO² reductions than through the use of low and zero-carbon generating technologies. (293)

Concerns regarding the proposal to bring forward detailed Supplementary Guidance on this subject on the following grounds:

- The guidance contains key principles and requirements which have not be subject to consultation through this Local Development Plan Process. (293)
- There is insufficient detail within the policy to establish the main principles which will then be specified within the Supplementary Guidance (contrary to Circular 1/2009). (293)
- The supplementary guidance may impose strict criteria that would inhibit development or lead to anodyne conformity with these criteria (assumed) (438).

Modifications sought by those submitting representations:

Amend the policy to include the following additional assessment criteria (“..assessed on the extent to which they”):

- Utilise low-energy building design;
- Make use of local, sustainable, low-carbon building materials;
- Utilise community renewables schemes;
- Avoid areas of unacceptable flood risk (1:200);
- Impact on areas covered by River Basin Management Plans;
- Meet the requirements of the Water Framework Directive (200/60/EC);
- Contribute to a reduction in CO² emissions;
- Avoid areas of ground instability, particularly with regard to legacy mining activities;
- Affect those employed in local food production;
- Contribute to reduced energy needs (energy efficiency);
- Meet the minimum standards provided for in the Sustainable Design Guide: Supplementary Guidance (assumed);
- Reduce the dependency of settlements on rapid, cheap and road-based transport and minimise the impact of Peak Oil;
- Develop and maintain local services (schools, health services, post offices etc);
- Reduce the availability (assumed) or productivity of agricultural land of grade 1- 4.2;
- Take account of sea level rise and increased precipitation resulting in higher rivers;
- Exceed the energy efficiency requirements of the Building Standards regime;
- Minimise the energy requirements for street lighting (assumed);Are compatible with the existing built heritage.

Amend the second bullet point of the policy to insert the words “where possible” after “...cycling and walking”.

Amend the policy to require compensatory measures (such as woodland planting or biodiversity initiatives) within smaller, rural developments where use of the car is unavoidable.

Amend the policy to require developments of greater than 500 sq. m. to demonstrate CO² emissions 15% lower than required by 2010 Building Regulations either by energy efficiencies or on-site renewable provision. (This policy may require review following further changes to building

regulations expected in 2013 and 2017.)

Similarly, amend the policy to require that all new buildings are designed to avoid a specified and rising proportion of the projected greenhouse gas emissions through the installation and use of low and zero carbon generating technologies.

Homes for Scotland suggest that the last sentence of paragraph 18.4.1 “For example, applicants will be expected to investigate the use of grey water and micro renewable energy systems.” is deleted.

The policy should be amended to set out the key principles of Sustainable Design which will be detailed within the proposed Sustainable Design Guide - Supplementary Guidance.

SNH suggest that bullet point nine of the policy should be amended to read “...particularly within or affecting designated areas...”.

SNH suggest that the policy wording should be amended to take into account the outcome from the Appropriate Assessment of the Highland wide Local Development Plan.

Suggested projects/initiatives:

- Project to insulate the existing housing stock in the Highlands;
- Reduce planning restrictions on solar/photovoltaic panels and renovations on listed buildings;
- Petition the Government (assumed) to remove VAT from renovation costs.

Summary of responses (including reasons) by planning authority:

A number of the representations made expressed concerns regarding the Policy which have already been accounted for in the wording of the policy, for example the impact on agricultural land, flora, fauna, habitats and species. However, there were also a number of concerns expressed at the lack of detail contained within the policy, particularly in relation to how the Council will assess sustainable building design. These issues are dealt with in detail within the [Supplementary Guidance on Sustainable Design Guide](#) which this policy refers to. The Supplementary Guidance sets out minimum sustainable design standards for developments and deals with concerns regarding: low-energy building design; the use of local, sustainable, low-carbon building materials; community renewables schemes, energy efficiency, CO² emissions, efficient street-lighting, and compatibility with existing built heritage.

As the Plan requires compliance with all policies, suggested changes requiring an assessment of developments with regard to: flood risk (including coastal floods due to rise in sea-level), River Basin Management Plans, the Water Framework Directive, reducing the need to travel and supporting existing communities are dealt with adequately within other General Policies, including:

- Policy 35 Settlement Development Areas;
- Policy 36 Housing in the Countryside (Hinterland Areas);
- Policy 41 Retail Development;
- Policy 50 Coastal Development;
- Policy 51 Aquaculture;
- Policy 57 Travel (and supporting Local Transport Strategy);
- Policy 65 Flood Risk.

The impact of development on good quality agricultural land is already one of the assessment criteria contained within the policy as is.

The suggestion to require all new developments to be assessed against their effects on local food producers/production is difficult to articulate in a policy, as there appears to be no methodology currently available to undertake such assessments or monitor the outcomes. Indeed, it could be argued that the existing policy, along with other policies such as Policy 35 Settlement Development Areas and Policy 36 Housing in the Countryside (Hinterland Areas), actively protect agricultural production and provide population centres which expand the market for locally sourced food.

The Coal Authority’s suggestion regarding an assessment of ground instability due to legacy mining operations is welcomed, and will be dealt with under the Council’s responses to representation on Policy 31 Physical Constraints (q.v). Note that the existing Sustainable Design Policy wording requires developments to take account of such Physical Constraints.

Concerns were expressed regarding the requirement for developments to be accessible by non-car means (as well as the car) which might result in development being refused in rural areas where the motor car is often the sole means of transport. This issue is in fact acknowledged in paragraph 20.31.2 which states that “Given the rural nature of much of the Highlands, significant use of the private car can be expected to continue for many trips, particularly in the more remote and sparsely populated areas or where the population is highly dispersed.” The Travel Policy (57) also acknowledges this by seeking a “...modal shift from private car to more sustainable transport modes *wherever possible*” (my italics).

The suggestions that developments over 500m2 should demonstrate a 15% reduction on CO² emissions is included in the Sustainable Design Guide Supplementary Guidance under part 8 of the Sustainable Design Checklist – Renewable Energy.

The suggestion to remove a portion of the explanatory text in paragraph 18.4.1 is not desirable since it illustrates some of the measures developed in more detail within the Sustainable Design Guide Supplementary Guidance.

The suggestion to reword bullet point 9 to read: “impact on the following resources, including pollution and discharges, particularly within *or affecting* designated areas” is perhaps superfluous, as Policy 58 Natural, Built and Cultural Heritage provides protection from development which are likely to have a significant effect on any designated site, irrespective of whether or not the development is within or outwith a designated site.

It has been suggested that more detail is required within the policy to ‘flag up’ the issues dealt with in more detail within the Sustainable Design Guide Supplementary Guidance. However, this is deemed unnecessary as the headline issues are in fact highlighted either by this Policy, or by other policies within the Plan such as: Policy 30 Design Quality & Placemaking, Policy 58 Natural, Built and Cultural Heritage, Policies 59-61 (Species and Habitats) etc. These policy cross-references have been included with the Sustainable Design Guide Supplementary Guidance checklist.

NB: There is currently work being undertaken with SNH regarding the Appropriate Assessment for the plan as a whole, and thus there may be further changes required as a result of this Assessment.

Any further plan changes commended by the planning authority:

N/A

Reporter’s conclusions:

Further information received

1. The Moray Council has withdrawn its representations.
2. SNH has withdrawn its representation in respect of the 9th bullet point of the policy as being screened out in table 2 of the Habitats Regulations Appraisal Record.
3. In response to my request, the council submitted a proposed amendment to the policy including new text setting out the main policy principles of the proposed Sustainable Design Guide: Supplementary Guidance and clarifying the requirement to submit a Sustainable Design Statement. The amendment would require deletion of the second sentence of the third paragraph of the policy and its replacement with the following paragraph:

All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area
- use resources efficiently
- minimise the environmental impact of development
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

4. The council explains that all developments should demonstrate compatibility with the supplementary guidance, but the requirement for a Sustainable Design Statement is limited to National and Major Developments, plus Local Developments where such a statement is required. The remainder of Local Developments will be *encouraged* to do so.

5. In response, Irene Brandt considered that the principles should contain specific reference to the guidance checklist, and that all development should be required to produce a Sustainable Design Statement.

Conclusions

Omissions (representations 26, 38, 118, 153, 208, 229, 291, 293, 326, 367, 519)

6. As described in the council’s response to representations, several of the issues which representors wish to be included in the policy will be covered in the council’s Sustainable Design: Supplementary Guidance. Others are covered in policies of the plan which are applicable to development generally. Assessment in relation to local food production would be very difficult in the absence of an agreed methodology.

7. I see no harm in providing examples in paragraph 18.4.1 of measures to be detailed in the supplementary guidance.

Supplementary Guidance (representations 293, 324, 438)

8. The type of material to be included in the proposed supplementary guidance conforms to government policy set out in Circular 1/2009 (paragraph 96). The Scottish Government representation invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that this was not the case, and requested further information regarding the main principles of the guidance. The main principles submitted by the Council are set out above, under “further information received.” I consider that these are satisfactory.

9. With regard to the concerns about consultation on the supplementary guidance, the adoption process for supplementary guidance requires the planning authority to publicise its proposed guidance, invite representations and take them into account, and then detail these exercises to Scottish Ministers.

10. A rigid requirement for all development to accord with a checklist in the guidance would deprive the council of the ability to balance the advantages and disadvantages of a proposal.

Sustainable Design Statement (representation 18)

11. It is likely to be too onerous to require all developments, of whatever scale and type, to prepare Sustainable Design Statements. The council’s selective approach is more proportionate.

Reporter’s recommendations:

I recommend the following modifications:

1. The second sentence of the third paragraph of the policy should be replaced with the following paragraph.

All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area
- use resources efficiently
- minimise the environmental impact of development
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

Please note that reference should also be made to the reporter's conclusions and recommendations on Issue 91: Sustainable Development and Climate Change with respect to sustainable design.

Issue 30	Design Quality and Place-Making	
Development plan reference:	Policy 30 (Para 18.7, Page 78)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (SNH) (118) Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Homes for Scotland (293) NHS Highland (411) Myra Carus (422) Cube Engineering (449) M Gilvray (453) S & A Corbett, A & A Currie, W & K MacKenzie (519)</p>		
Provision of the development plan to which the issue relates:	Design Quality and Place-Making	
Planning authority's summary of the representation(s):		
<p>General Support for the policy (453, 519)</p> <p><u>Concerns that the policy is inadequate for the following reasons:</u></p> <ul style="list-style-type: none"> • The policy does not give sufficient emphasis to the key characteristics and qualities of the surrounding landscape (118) • The policy is inappropriate for renewable energy developments within the countryside. (268) • The policy does not positively promote developments which support Active Travel. (411) • The policy does not encourage buildings which contribute to an active lifestyle. (411) • The policy supports large-scale American-style avenues where one has to get into a car to shop at hypermarkets (assumed), which is much less sociable and does not reduce energy consumption. (422) • The policy does not account for renewable energy developments. (449) • The policy does not indicate whether or not it applies to existing permissions and gives no indication of how extensive the requirements might be, which areas they affect or how they'll be enforced. (453) • The policy does not flag up or link into the proposed Supplementary Guidance on Residential Layout and Design which will help guide place-making. (293) (xfer with Issue 90) 		
Modifications sought by those submitting representations:		
<p>SNH suggest that the second sentence of the policy be amended to: "Applicants should demonstrate sensitivity and respect towards local distinctiveness of the landscape, architecture, design and layouts in their proposals" to ensure impact on landscape is considered and assessed. (118)</p> <p>The Policy should be amended by inserting the phrase 'where appropriate' after the word "located" within the first sentence of the policy. (268)</p> <p>Paragraph 18.6.1 of the policy should be amended in to make the purpose of the policy clearer so that it generally refers to development within urban locations and settlement boundaries. (268)</p> <p>The policy should be amended to be more explicit about a desire to promote urban development which encourages Active Travel. (411)</p>		

The Supplementary Guidance (assumed) should include mention of buildings that themselves promote more active lifestyles whilst still being DDA compliant. (411)

The policy should be amended to promote small-scale developments which integrate the old with the new and encourages small markets accessible by active travel rather than big supermarkets that require the use of the car. (422)

The policy should be amended to ensure that provision is made for the role that renewables have in defining place. (449)

The policy should be amended to indicate the extent of the policy and indicate how the policy will be enforced. (453)

Summary of responses (including reasons) by planning authority:

The proposal to include 'landscape' in the second sentence as per SNH appears appropriate.

Active Travel (AT) is a key theme which is already being promoted primarily through the Council's Local Transport Strategy which the HwLDP will be guided by on such matters. This seeks to encourage developments which are AT-friendly. Further and more detailed guidance on this subject will be forthcoming in the proposed *Residential Layout and Design Supplementary Guidance*.

The contribution of buildings themselves to a more active lifestyle, and the requirement for DDA compliance, are considered to be primarily concerns of the current Building Standards regime rather than planning *per se*.

Small-scale developments are to be welcomed, but the scale of retail developments will likely be market-led – i.e. which projects are viable at which location and at what scale. This policy is primarily concerned about making sure that developments at all scales demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts. The Council's Retail Policy (Policy 41, q.v.) already promotes the primacy of city/town/village centre developments in terms of reducing travel and energy consumption.

All developments, including renewables, will be expected to demonstrate sensitivity and respect towards local distinctiveness of the landscape, architecture, design and layouts, in both the urban and rural contexts. There is thus no necessity to specifically focus on renewable developments in a rural setting.

With regard to the extent of this policy, the wording is constructed to cover all development types in both rural and urban settings. As with all the Plan's policies, this policy must be read in conjunction with all the other general policies contained within the plan, where the issues such as sustainable design (Policy 29) are dealt with in more detail. Developer requirements such as the provision or connection to Green Networks and other community benefits will be secured by planning conditions or Section 75 legal agreements as appropriate so that they are enforceable under law.

Any further plan changes commended by the planning authority:

N/A

Reporter's conclusions:

Further information received

1. Information was requested from the Council on references to supplementary guidance in the proposed plan. The Council's response commended the addition of references to supplementary guidance on residential layout and on public art within Policy 30, and submitted text setting out the

main principles of such guidance.

2. The Council proposed an additional sentence after paragraph 18.6.1, as follows:

The Council intends to produce supplementary guidance on residential layout and a public art strategy for the Highlands to provide more detailed guidance on how developments can help create new and better places; places that are distinctive and reflect the Highland context.

The Council's residential layout guidance will draw heavily from the Scottish Government's key policy statements on design and place-making – Designing Places, and Designing Streets – and will require that proposals consider and address the six qualities of successful places to produce new developments that are:

1. distinctive
2. safe and pleasant
3. easy to get around
4. welcoming
5. adaptable
6. resource-efficient.

In addition, the Council's public art strategy for the Highlands will seek the inclusion of public art in new developments to help produce well-designed, locally distinctive built environments, with a clear sense of identity and place. Developer contributions may be sought to fund public art where it is considered that a site would benefit from public art being included as an intrinsic element of the development proposal – see Policy 32: Developer Contributions.

3. In order to achieve those aims, the Council has commended amendment of the first paragraph of the policy and addition of a new paragraph after the first, as follows:

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should also demonstrate sensitivity and respect towards the distinctiveness of the local architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential Layout: Supplementary Guidance.

4. In response to a representation from NHS Highland suggesting that the proposed guidance should include mention of buildings that promote active lifestyles, the Council points out that national policy and advice focuses on a larger scale rather than the design of buildings at the level of detail suggested. The Council draws attention to numerous policies in the plan which promote active lifestyles at this larger scale.

Conclusions

Landscape (representation 118)

5. The Council accepts SNH's suggested amendment to include a reference to landscape in the policy, and I agree that this would represent an improvement.

Renewable energy developments (representations 268, 449)

6. The first sentence of Policy 30 states that new development should make a positive contribution to the visual quality of the place in which it is located. This approach does not sit comfortably with the less onerous expectation in Scottish Planning Policy that wind farm development should be supported where, among other things, its environmental impacts can be satisfactorily addressed. Indeed, the Council's response to representation 268 defends its position only in relation to the second sentence of the policy. I therefore agree with representation 268 that the first sentence should be qualified with the words "where appropriate". However, I am not persuaded that the introductory paragraph needs to be amended as suggested in that representation. Whilst it is clear

from the context that the emphasis of the policy lies with urban and traditional types of development, the aspiration for high quality design and environments can apply across urban and rural settings. Nevertheless, attention should be drawn to government guidance on visual aspects of wind farms.

7. I prefer this approach to the less easily defined notion of symbolic features in a landscape, as suggested in representation 449.

Active travel/lifestyles (representation 411)

8. The representation from NHS Highland regarding active travel is dealt with under Issue 57, Policy 57: Travel.

9. I accept the Council's position of focussing on larger scale planning policy interventions to promote active lifestyles rather than at the detailed level of building design.

Generation of motorised transport (representation 422)

10. This representation regarding developments which rely on motorised transport, is dealt with under Issue 57, Policy 57: Travel.

Coverage of policy (representations 268, 453)

11. Although the introductory paragraph states that the policy relates to the plan area, the terms of the policy have an urban emphasis, which seem to have given rise to some doubt as to its coverage of rural areas. It would therefore be advisable to clarify that in the introductory text.

Additional supplementary guidance (representation 293)

12. The list of future supplementary guidance in appendix 6.3 of the plan includes residential layout and public art. To this extent it has been foreshadowed. Homes for Scotland argues that the main principles of supplementary guidance, including on residential layout and design and on developer contributions, should be laid out in the plan. I consider that the suggested text incorporating main principles for those guidance documents is sufficient for the purpose and should be included in the plan.

Reporter's recommendations:

I recommend the following modifications:

1. Paragraph 18.6.1 should read (in part):

This policy seeks a high quality of design in development within both urban and rural parts of the plan area and ...

2. The following sentence should be added to paragraph 18.6.1:

More specific guidance on visual aspects of wind farm developments may be found in Scottish Planning Policy and government advice documents.

3. The following paragraphs should be added after paragraph 18.6.1:

The Council intends to produce supplementary guidance on residential layout and a public art strategy for the Highlands to provide more detailed guidance on how developments can help create new and better places; places that are distinctive and reflect the Highland context.

The Council's residential layout guidance will draw heavily from the Scottish Government's key policy statements on design and place-making – Designing Places, and Designing Streets – and will require that proposals consider and address the six qualities of successful places to produce new developments that are:

1. distinctive
2. safe and pleasant
3. easy to get around
4. welcoming
5. adaptable
6. resource-efficient.

In addition, the Council's public art strategy for the Highlands will seek the inclusion of public art in new developments to help produce well-designed, locally distinctive built environments, with a clear sense of identity and place. Developer contributions may be sought to fund public art where it is considered that a site would benefit from public art being included as an intrinsic element of the development proposal – see Policy 32: Developer Contributions.

4. The first paragraph of the policy should read as follows:

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

5. A new paragraph should be added after the first paragraph of the policy, as follows:

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential Layout: Supplementary Guidance.

Issue 31	Physical Constraints	
Development plan reference:	Policy 31 (Para 18.9, Page 79)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Network Rail (32) Coal Authority (38) Health and Safety Executive (HSE) (53) Halliday Fraser Munro for Tulloch Homes (57)</p>		
Provision of the development plan to which the issue relates:	Physical Constraints	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • Network Rail: strongly supports that Level Crossings are included as a listed constraint in the proposed Physical Constraints Supplementary Guidance (and wish to be consulted on this) this should require developers to fully demonstrate that proposals are compatible with an affected Level Crossing or that adequate mitigation is provided. (32) • The Coal Authority considers that the policy needs to be improved to include reference to ground stability issues, which would include ground stability arising from mining legacy. • The suggested wording would be as follows: • <i>“...impact on the following resources, including pollution, ground stability and discharges, particularly within designated areas: habitats freshwater systems species marine systems landscape cultural heritage scenery air quality;...”</i> <p>Reason – In order to ensure that the issue of ground stability is taken into account in the design process alongside other relevant considerations. (38)</p> <ul style="list-style-type: none"> • HSE have identified areas that have either hazardous installations and/or pipelines whose consultation distances may encroach on development areas. These are: City centre & Longman Core, Longman Landfill Site, Muirtown, South Kessock, Inshes, Raigmore, East Inverness, Tornagrain, Whiteness, Croy, Nigg, Dounreay. Any maps associated with the Development Plan should identify those development proposals that are likely to lead to HSE advising against them in the future. (53) • Policy indicates that “developers must show that their proposal is compatible with the constraint or that adequate mitigation is provided”, until sight is available of this SPG we reserve that right to comment on the policy. (57) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Wish for Level Crossings to be included as a constraint/ separate policy. • Reference to ground stability from legacy mining operations as a physical constraint. • Any maps associated with the Development Plan to identify those development proposals that are likely to lead to HSE advising against them in the future. • Reserve right to comment until SG produced 		

Summary of responses (including reasons) by planning authority:Physical Constraints Supplementary Guidance

- There are a range of public health and safety factors that need to be assessed when considering development proposals. These will be listed and (where practicable) mapped in the Physical Constraints: *Supplementary Guidance*. The guidance will cover sites, installations, infrastructure and areas that may pose health and safety risks to development. It is likely the guidance would cover the similar issues listed in the physical constraints policy in the recently adopted West Highland and Islands Local Plan (Policy 10, page 45).
- As requested by HSE the supplementary guidance will look at mapping hazardous installations and/or pipelines.
- As requested by the Coal Authority the Supplementary Guidance will address the ground stability from legacy mining operations.
- Further to a meeting with Network Rail a comprised way forward has been discussed. If the reporter sees fit a way forward would be to address level crossings through the forthcoming Supplementary Guidance, instead of creating a new policy. This was agreed as a reasonable solution at a recent meeting with both the council and network rail. In addition to the Supplementary Guidance we will also, where appropriate, include developer requirements for allocations where there is a level crossing issue in the Area LDPs.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:**Further information received**

1. Since the publication of the proposed plan, the Council has prepared and consulted on the Physical Constraints Supplementary Guidance. In the light of that, it commends expansion of the policy to provide more detail on the scope of that guidance. Paragraph 18.8.1 would now read:

There are a range of physical and technical factors, including those that affect public health and safety that need to be assessed when considering development proposals. These will be listed and (where practicable) mapped in the Physical Constraints Supplementary Guidance and will cover sites, installations, infrastructure and other areas.

2. The policy would read:

Development proposals must consider whether they would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

Conclusions

3. The proposed rewording expands on matters that need to be addressed when considering development proposals. It would provide a sufficient policy context for the subsequent supplementary guidance. Mapping of constraints will, no doubt, prove useful to developers. Supplementary guidance would be an appropriate location for such detail, and facilitate its updating when appropriate.

4. The guidance could include reference to level crossings, ground stability including from mining legacy, hazardous installations and hazardous pipelines.

Reporter's recommendations:

I recommend the following amendments:

1. Paragraph 18.8.1 should be replaced by the following:

Various physical and technical factors, including those that affect public health and safety, need to be assessed when considering development proposals. These will be listed and (where practicable) mapped in the Physical Constraints Supplementary Guidance and will cover sites, installations, infrastructure and other areas.

2. The policy should be amended to read:

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

Issue 32	Developer Contributions	
Development plan reference:	Policy 32 (Para 18.11, Page 80)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dounreay Site Restoration Limited (DSRL) (26) Network Rail (32) UBC Ltd (46) Paul Jenkins (74) Royal Society for the Protection of Birds Scotland (RSPB) (78) Kingussie & Vicinity Community Council (93) Scottish Natural Heritage (SNH) (118) GH Johnston Building Consultants Ltd for Macdonald Hotels Ltd (138) Scottish Council for Development and Industry (SCDI) (180) Highlands and Islands Enterprise (HIE) (190) Fortrose and Rosemarkie Community Council (203) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Turley Associates for Sainsbury's Supermarket's Ltd (267) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) C Stafford (272) Scottish Property Federation (291) Homes for Scotland (293) EMAC for Barratt, Robertson and Scotia Homes (333) NHS Highland (411) GH Johnston Ltd for the Trustees of Cawdor Scottish Discretionary Trust (465) Helen Jenkins (527)</p>		
Provision of the development plan to which the issue relates:	Developer Contributions	
Planning authority's summary of the representation(s):		
<p><u>RSPB Scotland (78)</u></p> <ul style="list-style-type: none"> State that making improvements to the wider environment (not just Green Space and/or urban developments etc) should be highlighted as one area where developer contributions can play an extremely important role (paragraph 18.10.3). <p><u>DSRL (26)</u></p> <ul style="list-style-type: none"> Clarification is sought on the reference to the type of waste facilities referred to in Policy 32 - it is presumed to refer to recycling and municipal or commercial waste facilities. Therefore the developer contributions relate to the effect on these existing facilities and whether development proposals will create a need for new or improved public services, facilities or infrastructure . <p><u>UBC Ltd (46)</u></p> <ul style="list-style-type: none"> In relation to references for developer contributions consideration should be given to off-setting some against where other community benefits are offered e.g. higher levels of affordable housing. <p><u>Strutt & Parker for Balnagown Estate (229)</u></p> <ul style="list-style-type: none"> Supports the general thrust of this policy but await with interest the preparation of Supplementary Guidance. 		

HIE (190)

- There is merit in considering developer contributions as a separate subject because it is a contentious and complex issue. Not all concerns raised by HIE have been dealt with in enough depth.

Scottish Property Federation (291)

- Agree that planning agreements may be essential to making a development work however it is critical that the obligation proposed in each case fully accords with Circular 1/10 and that the Council provides sound evidence to fully justify the contribution required.
- The Council must understand the variables that decide development viability – suggest that contributions should be phased and ideally tied to sales and lettings for developers and investors. Also believe that contributions should be assessed as a whole and not individually as the cumulative impact of the contributions requested may lead to a proposal being unviable.
- Feel a number of options are available and could be explored to make development viable, such as:
 - A pragmatic approach to development contributions (phasing of payments etc)
 - Sensible demands for contributions
 - Consideration of means of under-writing infrastructure initiatives that may free up investment
 - Local asset backed vehicles
 - Tax incremental financing
- Key concern remains the ability of the public and private sector to deliver necessary infrastructure needed to drive forward the economy.

Kingussie & Vicinity Community Council (93)

- Serious concerns regarding general infrastructure. Measures should be introduced to place onus on developers to make significant contributions towards the provision of infrastructure required to support proposed developments. Not convinced Section 75 legal agreements satisfactorily address this issue as there is no statutory obligation for 3rd party consultees.

GH Johnston for Trustees of Cawdor Scottish Discretionary Trust (465)

- Trustees of Cawdor Scottish Discretionary Trust: Special Circumstances. There is no recognition of the unique circumstances at Cawdor created by the Outstanding Conservation Area designation and that this might be material in any agreed outcome. This does not occur in comparable terms at any other location within the LDP.
- In order meet the Council's prerequisite that "any development at Cawdor will reflect the distinctive character and unique identity of the existing village", a substantial commitment to the "public realm" must be a prerequisite. The Trustees are committed to creating a quality of environment appropriate to the Outstanding Conservation Area. It is not fair or reasonable that Cawdor could be subject to an additional (public realm) levy; and if such an additional levy were to be sought, this would draw resources away from Cawdor and make it less likely that development will reflect the distinctive character and unique identity in the way the Plan seeks.
- Having regard to an updated Developer Contributions Protocol and to the existing A96 Growth Corridor Development Framework protocol, it is not inappropriate where - as is the case at Cawdor - existing infrastructure and services eg. primary school and waste water treatment facilities, is provided and contained at village level and independent of the "wider corridor", that proposals should be exempt from a contribution to such facilities in the "wider corridor". It is not inappropriate either that developer contributions should be proportionate to the impact of any masterplan proposal on the strategic road network; and that the timing of later phases of development should have regard to that impact. This may be for discussion in the context of the revised A96 Developer Contributions Protocol, but it is raised in this context to demonstrate that there are matters particular at Cawdor, that emphasise the need for the LDP to reflect a proper sequence of events and a considered view about its role meeting infrastructure expectations. (465)

Paul Jenkins (74), Helen Jenkins (527)

- Argue that the policy should be that there should be no developer contributions. If there was a contribution, and the Highland Council and other agencies did not have the funding to make up the balance that was not contributed by the developer, then the development must not be allowed to proceed. Concerned that neither of these points was reported in Annex 2, and it follows that there is neither analysis nor a response by the Council.

Network Rail (32)

- Requests that the Highland-Wide LDP provides a strategic policy context to future Area LDP's requiring developer contributions towards rail infrastructure and/or station facilities where required as a direct consequence of generated requirement from a proposed development.
- We welcome the LDP's general requirement through '*Policy 32 Developer Contributions*' for development proposals which create a need for new or improved infrastructure, for developers to contribute towards these additional costs or requirements. However to provide clear and unambiguous advice to developers, we request that the word 'Rail' is inserted into the sentence associated with Infrastructure to read – " The need for improvement of road, rail, water and sewerage infrastructure."
- If the Council consider that 'Rail' is adequately considered under the sub heading 'Transport', this is not the case as the impact of development on transport and infrastructure can and will come from developer-led development out with that considered under the guise of the Local Transport Strategy.

Homes for Scotland (293)

- There is a totally new attitude amongst financial institutions to lending and risk which is preventing developers from borrowing funds for anything other than core development costs. The burden of developer obligations falls unequally on the house building sector. Other forms of development appear to carry less than their fair share of costs of public infrastructure. Development Plans and Supplementary Planning Guidance must not be based on the assumption that developers can, and will, pay for most public infrastructure.
- Developer Contributions does not provide clear policy direction. It is stated in the Action Programme that the Supplementary Guidance on developer contributions was due to go to Committee in Sept 2010 however this was not achieved. We would expect that the key principles and general requirements for developer contributions have been established for inclusion in this Supplementary Guidance and we would seek for these to be incorporated with the Local Development Plan policy.
- Circular 1/2009 clearly states that the development plans must contain detailed policies where the main principles are established. It is then down to the supplementary guidance to cover the detailed justification or methodologies that are referred to within the Local Development Plan policy. Circular 1/2010, paragraph 29 states that broad principles for developer contributions should be set out in development plans with exact levels of contributions included in supplementary guidance.
- Members of Homes for Scotland believe that there are currently instances where developers are being asked to make contributions for items when existing capacity already exists and where there is little or no justification. Any requirement for developer contributions must take account of available capacity within the existing infrastructure and must not be used where there is no direct link with the development or where it is too remote to be considered reasonable.
- It is suggested that Highland Council employs a Development Negotiator, in line with other councils, who is fully aware of the financial pressures developer contributions put on the viability of a development.
- Examples of the disconnect between existing Supplementary Guidance and this Proposed Plan can be seen from the Councils Education and New Residential Development Supplementary Guidance which states that further updates will be provided in the Local Development Plan. This information does not appear to have come forward through this Proposed Plan.
- There must be appropriate connection between Supplementary Guidance and the LDP. Circular 1/2010 paragraph 94 states that Supplementary Guidance (SG) should:

- Cover topics specifically identified in the local development plan (LDP) as being topics for Supplementary Guidance.
- Be limited to the provision of further information or detail in respect of policies or proposals set out in the LDP.
- It is critical that the main principles are established in the LDP and SG is used for further information or detail in respect of policies set out in the LDP.

Scottish Natural Heritage (118)

- Notes that while the table in the policy includes landscape and green networks, the policy in referring to 'services, facilities or infrastructure' may appear to omit these.

Scottish Council for Development and Industry (180)

- Following the credit crunch and recession, developer contributions will need to be proportionate, potentially phased and not endanger project viability.

SSE (268)

- The policy itself requires that where improved public services, facilities or infrastructure is required to support a development, "the council will seek from the developer a fair and reason contribution in cash or kind towards these additional costs or requirements". A contribution in cash or kind should only ever be sought to address infrastructure requirements should direct provision be unable to be made by the developer. This requirement, as it stands, offends the basic principle that planning permission should not been have been seen to be bought. It is therefore recommended that this statement in the policy should be amended to be read along the lines of "the council will require the developer to meet facilities or infrastructure requirements associated with the proposed development and if these can not be met through direct provision by the developer a contribution in cash or kind towards these additional costs or requirements will be sought".

NHS Highland (411)

- Pleased to note health care facilities is explicitly mentioned in the developer contributions policy.
- Clarification is sought on what represents a fair and reasonable contribution and it is also not clear what the Council will do should developers decline to provide the sought for contribution.
- The requirement for protection of land and a developer contribution should apply to substantial extension of existing communities as well as new settlements.

GH Johnston for Macdonald Hotels Ltd. (138)

- Welcome revision of the A96 Corridor Developer Contributions protocol; we have in the past sought a consistent, transparent protocol and method of collecting developer contributions across Highland. The previous hastily 'agreed' A96 Corridor Protocol is not consistent with other guidance produced by the Council. The requirement to make contributions through Agreements should meet all of the tests set out in paragraph 11 of Circular 1/2010: Planning Agreements. Concern that major extent and potentially complex nature of the various developer requirements will be difficult for the Council to administer and keep track of. We would be grateful of the Council's consideration of the matters we raise and would be available for discussion should that be helpful to you. More information is available in the full representation.

Fortrose and Rosemarkie Community Council (203)

- Any public funding that may be released by reason of developer contributions in a particular area should be available for high priority projects in other, fragile areas. Appendix 6.3 on Supplementary Guidance notes that Guidance is being prepared for two Protocols for securing developer contributions. One is for the A96 corridor and the other for the Highland Area excluding the A96. What is important for infrastructure provision is the percentage level of contributions to be sought under each Protocol. This information is essential for masterplanning.

EMAC for Barratt, Robertson and Scotia (333)

- The Nairn South consortium supports the principle of developer contributions to the A96 corridor and masterplanning for larger mixed use sites demonstrating how the required developer funded infrastructure can be delivered. It is considered that the status and content of the Supplementary Guidance are relevant to Policy 9 and that this should form part of the Local Development Plan (LDP). As a minimum its publication should be brought forward at the earliest opportunity to allow consultation and further clarity on its implications in terms of Policy 9. The preference is that this draft SG should form part of the LDP in order to allow formal consultation at a stage where it can be considered at Examination together with Policy 9.

C Stafford (272)

- The expected Supplementary Guidance on Developer Contributions was not included with this HwLDP and was therefore not available for scrutiny alongside the HwLDP this is particularly relevant since the importance of these protocols is recognised by the Government. There should be a consultation period on this supplementary guidance and further submissions should be allowed on the HwLDP where they arise as a direct result of information in the developer contribution protocols. (OBJ 1A)

Turley Associates for Sainsbury's Supermarket's Ltd. (267)

- A96 Corridor Developer Contributions Supplementary Guidance must ensure contributions are related to the proposed development. The timing or phasing of valid contributions must be considered to ensure development remains economically viable. Appropriate consultation must take place.

Modifications sought by those submitting representations:

- Add 'improvements to the wider environment' to the developer contributions list at paragraph 18.10.3. (78)
- Produce separate Supplementary Guidance on Developer Contributions (assumed). (190)
- Request that the word 'Rail' is inserted into the sentence associated with Infrastructure to read – "The need for improvement of road, **rail**, water and sewerage infrastructure." (32)
- A paragraph should be included which refers specifically to the terms set out in Circular 1/2010. In particular:
'Planning agreements will not be used to resolve existing deficiencies in infrastructure or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development.'
- Broad principles, including the items for which contributions will be sought and the occasions when they will be sought should be set out in the local development plan, and must be subject to scrutiny or examination.
- An additional sentence should be incorporated within Policy 32 to provide flexibility when determining Development Contribution requirements stating:
"In determining Developer Contributions on a site specific basis the Council will take into account the cumulative impact of all requirements on the overall viability and deliverability of a project."
- The key policy guidance contained in Education and New Residential Development Supplementary Guidance must be included within the Local Development Plan, and the policy in the Plan should have been updated as the SG promised.
- The key policy guidance contained in the Developer contributions Supplementary Guidance must be included within the Local Development Plan. (293)
- Definition of infrastructure could be amended in glossary to include "green infrastructure, e.g. landscaping, green networks, open spaces, paths". (118)
- Recommend that the preceding text to Policy 32 acknowledges that certain forms of development, particularly those by regulated infrastructure providers will require to be exempt from the application of this policy. (268)
- There should be a consultation period on this supplementary guidance and further submissions should be allowed on the HwLDP where they arise as a direct result of information in the developer contribution protocols. (272) (OBJ 1A)

Summary of responses (including reasons) by planning authority:Developer Contributions Policy (291, 93, 267, 527, 293, 180, 268, 138)

- The preamble to Policy 32 sets out very clearly that the Council will expect any developer contributions to be made in line with [Circular 1/2010](#). It is certainly not the Council's intention that contributions be sought for infrastructure provision which does not meet the tests set out in the Circular. The direct provision of infrastructure by developers is also supported and endorsed by this policy and clearly contributions will not be sought where this is possible.
- The Circular notes that Development Plans should set out broad principles, including the items for which contributions will be sought. The table included in the preamble to the policy does this. Similarly the Circular notes that the methods and exact levels of contribution should be set out in Supplementary Guidance.
- It is not considered that the policy requires any substantial change given the very clear guidance set out in Circular 1/2010 as to what planning agreements can be legitimately used for.

Supplementary Guidance on Developer Contributions (46, 229, 267, 190, 291, 527, 293, 180, 411, 203, 333, 272)

- The Council accepts that the Supplementary Guidance on developer contributions has not yet been completed. That said, it is anticipated at time of writing (February 2011) that two specific pieces of Supplementary Guidance will be put in place to support the local Development Plan.
- The first of these pieces of Supplementary Guidance will set out the Council's general approach to developer contributions. As indicated in Circular 1/2010, this will set out the methods and formulae that will be used by the Council. It is considered by the Council that this exactly the purpose of Supplementary Guidance, rather than having all of the detail within the Local Development Plan itself. The Supplementary Guidance will also pick up the caveats suggested by Homes for Scotland, British Property Federation, SSE and UBC in relation to the legal position on developer contributions, potential for phasing of payments, infrastructure funding and the role of a developer contributions negotiator.
- The second piece of work will focus specifically on the infrastructure requirements in the A96 Corridor. The [A96 Corridor Framework](#) which was approved by the Council in 2007 set out a developer protocol which looked to implement a consistent, fair and transparent approach to contributions across the corridor. Since that time however, the difficulties in the economy, coupled with the lack of definitive figures from infrastructure providers and opposition from some developers, has necessitated a re-think as to how strategic infrastructure is progressed. It has also been necessary to await the outcomes of the ongoing design study by Transport Scotland on the A96 upgrade between Inverness and Nairn.
- These developer contributions supplementary guidance documents will be subject to public scrutiny and assessment as part of their preparation (and Scottish Minister's power of veto)..
- Specific reference has been made to the [Education and New Residential Developments Supplementary Guidance](#). An update of this document will be brought forward for adoption as statutory supplementary guidance. In the meantime the existing guidance is still relevant and remains the approach the Council adopts in respect of education provision and developer contributions. It is not practical or feasible that all of the information contained within it is repeated in the Local Development Plan. This guidance will be cross referenced in the developer contributions SG indicated above.

Delivery of Developer Contributions (267, 291, 293, 180, 333)

- The Council has been involved in discussions on a number of major planning agreements in recent times, and efforts have been made to determine pragmatic methods of payment (including phasing of payments). This is an approach which will continue and will be used in the determination of outstanding planning applications in the A96 Corridor for example. The Council has also been involved in discussions with Scottish Government, to investigate whether other means of infrastructure funding, such as Taxation Increment Financing, offer potential for this area. No conclusion has yet been arrived on this, but these may offer potential in future, and be referenced within Supplementary Guidance.
- The Council is also in the process of employing a member of staff who will be responsible for

the negotiation, management and administration of developer contributions across the Council area.

Rail (32)

- The Council accepts that contributions towards rail network upgrades (where appropriate) are not specifically referred to in Policy 32. If the reporter is so minded, the word 'Rail' should be inserted into the sentence associated with Infrastructure (table in para 18.10.3) to read – "The need for improvement of road, rail, water and sewerage infrastructure."

Dounreay Site Restoration Limited (26)

- The Council confirms that the "recycling and waste management" facilities referred to in the table of potential developer contributions refers to municipal and commercial waste facilities as opposed to nuclear waste facilities.

Cawdor (465)

- The expansion of Cawdor was initially highlighted in the [A96 Corridor Framework](#) and the Council has sought to work with the agents representing the Trustees of Cawdor Scottish Discretionary Trust to progress the proposals. This has involved highlighting the phasing, constraints and developer contributions that a development of this scale will entail. The delivery of wider infrastructure is as relevant to Cawdor as it is to the other development areas throughout the A96 Corridor, particularly beyond phase 1. The Council will take into account the outstanding conservation heritage of Cawdor, but will equally seek to ensure that fair and equitable contributions are made to infrastructure and facilities which are impacted upon by this development. This assessment will take into account existing capacity of infrastructure.

RSPB (78)

- The delivery of improvements to the wider environment through developer contributions will be sought by the Council where they meet the relevant tests set out in national guidance. It is considered that the current text adequately sets out the broad requirements.

Any further plan changes commended by the planning authority:

- The definition of "infrastructure" should be amended in the glossary to include "green infrastructure, e.g. landscaping, green networks, open spaces, paths."

Reporter's conclusions:

Developer Contributions Policy (93, 138, 180, 267, 268, 291, 293, 527)

1. The main thrust of these representations is not against the principle of the policy, but seeking to ensure that it operates reasonably and fairly in line with the Scottish Government policy outlined in Circular 1/2010. The Council's intention to work in this way is set out clearly in paragraph 18.10.1. In addition the principles for supplementary guidance set this out clearly – see below. I am not persuaded that any modification is needed.

2. The suggestion that developer contributions are not required is contrary to policy and established procedure, as set out in Circular 1/2010, so no modification is required.

Supplementary Guidance on Developer Contributions (46, 180, 190, 203, 229, 267, 272, 291, 293, 333, 411, 527)

3. The principal concerns here reflect uncertainty about the content of the proposed supplementary guidance. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is referred to in preliminary paragraph 18.10.8.

4. In response to a request for further information, the Council says that existing guidance will be subsumed into the emerging Developer Contributions Supplementary Guidance in accordance with Policy 32. The Council sets out the following principles that are guiding its preparation:

“The principles that will guide the preparation of the Developer Contributions: Supplementary Guidance will be:

- Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the Area Local Development Plans or in terms of windfall development.
- Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified.
- Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment.
- Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.”

5. I consider that this addresses the concerns raised in representations. Subject to minor editing to reflect that contributions are tied to issues created by the proposed development (in line with the circular) the plan should be modified accordingly.

6. The Council also suggest a minor text replacement in the table under paragraph 18.10.3 in reference to Public Art. The existing text restricts developer contributions to public art to only where it is “an intrinsic element of the development’s design”. This would likely preclude temporary public art initiatives which will form part of the public art strategy. A minor change to the text wording in the table in relation to public art is commended to read:

“Whether a development of a site would benefit from public art being an intrinsic element of the development proposal, and where the delivery of the Public Art Strategy will be enabled.”

This simply substitutes development proposal’ for ‘development’s design’, and I am satisfied that this adds a degree of flexibility without changing the thrust of the policy, and should be accepted.

Delivery of Developer Contributions (180, 267, 291, 293, 333)

7. I note the Council’s comments in response to these representations. I believe that the concerns expressed are covered satisfactorily in the guiding principles for the preparation of supplementary guidance, discussed above. I note also the Council’s action to employ a member of staff dealing specifically with developer contributions, as requested. I find no need for any further modification.

Rail (32)

8. This point emphasises the need to include rail in the infrastructure matters, and the Council accepts this. I agree also, and the plan should be modified accordingly.

Dounreay Site Restoration (26)

9. The Council confirms that the reference to recycling facilities refers to municipal and commercial facilities. I find it would be helpful to modify the table to confirm this.

Cawdor (465)

10. This representation deals with the specific circumstances of Cawdor village. However, any negotiations will be carried out within the broad framework of the policy and supplementary guidance. The potential expansion of Cawdor is dealt with under Issue 23 and I find no need for a specific reference here.

Natural environment (78, 118))

11. I accept the Council’s view that there is adequate reference in the current text to set out the broad requirements regarding the wider environment. It would be sensible however to add to the infrastructure definition in the glossary to include green infrastructure, as proposed.

Reporter's recommendations:

I recommend the following modifications:

1. Add a new second paragraph to the policy as follows:

The principles that guide the preparation of the Developer Contributions: Supplementary Guidance are:

- Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development.
- Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development.
- Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment.
- Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

2. In the table under paragraph 18.10.3, in the section headed 'Public Art', delete 'development's design' and substitute 'development proposal'.
3. In the table under paragraph 18.10.3, in the section headed Infrastructure, after 'road', insert 'rail'.
4. In the table under paragraph 18.10.3, in the section headed Recycling facilities & waste management, after 'existing' add 'municipal and commercial waste'.
5. In the glossary, to the definition of Infrastructure, amend to include: "green infrastructure, e.g. landscaping, green networks, open spaces, and paths".

Note: The reference in the policy to 'Section 75 agreement' should now read 'Section 75 obligation', following an amendment to the Town and Country Planning (Scotland) Act 1997.

Issue 33	Affordable Housing	
Development plan reference:	Policy 33 (Para 19.2, Page 81)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Halliday Fraser Munro for Tulloch Homes (57) Mrs E Holland (153) Julian Walford (155) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Drivers Jonas Deloitte (242) John Waring (250) Eveline Waring (253) Scottish Property Federation (291)</p>	<p>Homes for Scotland (293) Scottish Government (324) Whyte Young Green for Cawdor Maintenance Trust (325) EMAC for Barratt, Robertson and Scotia Homes (333) Moray Council (403) Myra Carus (422) Lochaber Partnership (452) Invergordon Community Council (497) Scotia Homes (532)</p>	
Provision of the development plan to which the issue relates:	Affordable Housing requirement and delivery	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <ul style="list-style-type: none"> ▪ There is no mention of what proportion of the affordable housing should be rentable to meet the greatest social need in the Highlands. It also means the Council are prepared to tolerate 75% unaffordable housing. Consider that affordable housing represents a contradiction in terms and amount of affordable housing will be beyond the reach of many. (18, 153) ▪ Housing development should not be left in the hands of the very few developers in Highland.(422) ▪ The Council has to be more pro-active in securing and banking small patches of land for development to assist in addressing the serious need for affordable housing in all parts of the Highlands. (422) ▪ This policy has been drafted in accordance with the Council's Highland Housing Strategy and the Housing Need and Demand Assessment 2010 (HNDA) state that there needs to be an increase of affordable housing built each year, this supports the conclusion the more housing land needs to be brought forward at the earliest opportunity. (57) ▪ Recognise the concerns of the Council in relation to the need to increase affordable housing however developers have expressed concerns to us about demands for 25% - hope that considerations outlined in the Plan will be taken into account in practice and that unrealistic demands are not forced on the developer (291) ▪ Unsure what affordable housing is? Should be rules to ensure that people who get affordable houses can't sell them at full market value afterwards (250, 253). <p><u>Whyte Young Green for Cawdor Maintenance Trust (325)</u></p> <ul style="list-style-type: none"> ▪ The policy is consistent with government guidance, Policy 33 Affordable Housing - Page 81 sets a minimum threshold of 25%. The policy also allows for the said contribution to be discharged in the form of land, housing or a financial contribution. This flexibility of approach is supported and allows for specific market and site conditions to be taken into consideration on a 'site-by-site' basis. (325) <p><u>Strutt & Parker for Balnagown Estate</u></p> <ul style="list-style-type: none"> ▪ Clarity needs to be provided on which elements apply within settlements and which apply 		

outwith settlements. It is not clear if paragraph 4 applies within settlements or outwith settlements. Surely it is for the developer to consider their scheme and form their own view. Do not consider it is in compliance with the policy tests set out in Circular 1/2010 and in that the contribution would not relate to the proposed development, it would relate to a hypothetical development.

- Paragraph 6 is vague and open-ended. Not clear if the threshold begins now or whether it takes in to account houses previously granted permission. (229)

Drivers Jonas Deloitte (242)

- The requirement for affordable housing from unallocated sites, in paragraph 6, is not well defined enough nor does it provide clarity in the level of affordable housing contribution. (242)
- Also mixed use and expansion sites are effectively considered wholly as housing sites for the purpose of the policy. (242)

Homes for Scotland (293)

- Object to Policy 33 - Affordable Housing as it does not achieve the correct balance between simplification and the provision of a useful planning framework;
- The word “minimum” is not appropriate in relation to the percentage contribution. Contributions above the 25% threshold are only appropriate in exceptional circumstances with justification included within the development plan.
- Our members object to the use of Supplementary Planning Guidance where the policy direction has not been established through the development plan process.
- Homes for Scotland members support the flexible approach to the delivery of Affordable Housing which the Policy advocates, but are concerned that the Supplementary Guidance was produced in 2008 and does not reflect current Scottish Government policy as provided in PAN 2/2010.
- Whilst the Housing Needs and Demands Assessment sets out the calculation of the total housing requirement across the region it would be unrealistic to seek affordable housing contributions over 25%.
- With a new set of difficulties relating to the availability of finance, reduced sales and slower building rates the 25% contribution level itself may be in some jeopardy. The Plan must include provision for the reduction of this requirement if the cumulative burden on the overall development makes the project unviable
- In a period of lower government funding to housing agencies. A greater emphasis must therefore be placed on providing an integrated mix of housing solutions rather than a silo approach to social housing, allowing the private sector to develop new affordable homes without public subsidy and maximise the market value of its investment.
- PAN 2/2010, paragraph 17, states that development plans should set out the scale and distribution of affordable housing required for an area and should outline what is expected from prospective developers. Policies must be developed in full consultation with stakeholders, including the development industry. This is to ensure the potential contributions of the development plans avoid disputes at development examinations.
- Whilst Homes for Scotland members recognise the supplementary guidance has the potential to become a useful tool in keeping Local Planning policy up-to-date, there needs to be careful consideration of what is and isn't covered. We consider in this instances the balance is wrong, with too much critical policy within Supplementary Guidance. Paragraph 97 of Circular 1/2009 states:
- Matters that should be included in the LDP or SDP, and not in supplementary guidance include:
 - Items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.
- It is also apparent that this Supplementary Planning Guidance on Affordable Housing was published in August 2008, pre-dating Planning Advice Note 2/2010. We would suggest that this guidance must now be brought up to date.

Moray Council (403)

- Similar to the Moray Council, the Highland Council propose to increase the supply of affordable housing.

- Support the Highland Council proposal that all sites (allocated and unallocated) with a capacity of 4 or more houses require to provide 25% affordable housing.
- The Moray Council have recently begun seeking developer contributions for small developments, including individual houses in the countryside, to address their cumulative impact on service provision and affordability.
- The Highland Council may wish to consider a similar approach to developer contributions, to avoid any potential cross-boundary confusion, specifically for housing in the countryside proposals. (403)

Julian Walford (155)

- Object to small developments not also making a contribution. I understand not all Housing Associations agree with the Council's Policy of integration, and want small enclaves (ghettos!) as they appear to be initially cheaper. The Council must rigorously enforce its stated policy of integration as the social costs of not doing so are too high. (155)

Scottish Government (SG)

- note the Council's intention to adopt the Highland Housing Strategy as supplementary guidance to this plan and the intention to negotiate a contribution towards affordable housing which will be normally a minimum of 25% except where the Highland Housing Strategy indicates that a greater contribution may be required.
- The details of those areas where a greater than 25% contribution may be required are not contained in the main body of the Highland Housing Strategy, but in an annex to it ('Housing Pressure in Highland's Communities (2010)'). This annex is not attached to the text of the Strategy, but available separately from the Council on request. (324)
- The Scottish Government's (SG) view is that the level of expected contribution towards affordable housing provision, especially where this is to be greater than 25%, will ideally be set out in local development plans.
- Failing that, it should be set out in supplementary guidance. We do not consider that placing this information in an annex to the supplementary guidance gives sufficient prominence to this important aspect of planning policy. (324)
- Scottish Government consider that developers, other housing providers, communities and other stakeholders should have the opportunity of the full and independent scrutiny of this important issue which the examination process can provide. At the very least, we consider that supplementary guidance to the plan should be very clear about those circumstances and/or locations where a contribution greater than 25% may be required. (324)
- Where a contribution of greater than 25% may be required should be clearly stated (perhaps in a table), ideally in the LDP itself or, failing that, in the main body of an item of supplementary guidance which is to be associated with it. (324)

Invergordon Community Council

- would welcome the recognition of housing needs in our area as there is an urgent need for affordable housing, both rented and low cost affordable homes. (497)

EMAC (333)

- The Supplementary Guidance on Affordable Housing (Document 1) should be updated (for the reason set out below) and the intention to do so reflected in paragraph 19.1.1 and Policy 33.
- Commitments currently within the Highland Housing Strategy (Document 2) should be included in Policy 33.
- Amendments should be made to Policy 33 to reflect Scottish Government policy and advice. (333)
- it is suggested that paragraph 19.1.1 is amended to identify that the SG on AH will be reviewed to reflect the Highland Housing Strategy, HNDA and Policy 33. (333)
- consider that the second sentence of Policy 33 should be amended to state "Further guidance on the delivery of these contributions will be detailed in a revision to the Council's Supplementary Guidance on Affordable Housing." (333)
- suggest that the text should be amended to reflect a requirement of "generally no less than 25%". The SG should also be revised to reflect this suggestion. (333)
- amend para 2 that last sentence "Negotiations will be subject to market and site conditions,

and the final percentage contribution will reflect this, taking into account the contribution developments are also making towards other requirements including infrastructure, schools and roads. The contribution may be in the form of land, housing or a financial contribution.” (333)

- In regard to paragraph 17 of PAN 2/2010 a further paragraph should be introduced into Policy 33 to acknowledge, that within this economic climate, a flexible and innovation approach is required to delivering affordable housing and that Highland Council will work with the private sector and other parties to explore new ideas on its provision. (333)

The Lochaber Partnership (452)

Wish to see new Actions included in the Programme based on the following comments:

- Highland Council to review policy for affordable housing to increase %age from 1 in 4 to 1 in 3 to reflect the continuing pressure;
- Highland Council to examine, with others, the social rented housing market as an alternative to low cost home ownership;
- Highland Council should look at more imaginative mechanisms to release some of its landholdings to developers in exchange for a percentage of housing developed being handed back to the Council for rental. (452)

Scotia Homes per Emac Planning (532)

- There is a shortfall in affordable housing across the Highlands and the principle of provision is supported. Innovative methods of delivery is supported in the current economic circumstances and the policy should be worded to allow flexibility in provision by the private sector. Level entry housing appropriately secured through design would comply with advice contained in PAN 74.(532)

Modifications sought by those submitting representations:

Provide clarity on the application of the policy within and outwith settlements. Remove paragraph 4 and 6 from the policy. (229)

Modification(s) that Homes for Scotland require for the plan:

- This policy should be linked to revised, up to date supplementary guidance that considers the terms set out in Planning Advice Note 2/2010.
- This Policy must recognise that affordable housing can be delivered through various forms of tenure and the Council should state its willingness to consider and support such alternatives.
- The wording of line 5, paragraph 2 of Policy 33 should replace “normally being a minimum of” with “generally no less than”. A similar amendment is required in paragraph 3, line 3.

Also the key policy guidance contained in Affordable Housing Supplementary Guidance must be included within the Local Development Plan (293)

Moray Council: The Highland Council may wish to consider seeking contributions for small developments, including individual houses in the countryside. (403)

Summary of responses (including reasons) by planning authority:

General comments

- The proportion of affordable housing that is available for rent is guided by the Council's Highland Housing Strategy and; Housing Need and Demand Assessment, this being further informed by the Highland Housing Register In most instances Registered Housing Societies seek local demand through advertisement of forthcoming developments and local survey.
- In relation to the general affordability of open housing market the Council can seek to influence costs through the provision of a generous supply of housing land and application of the Affordable Housing policy to require delivery of affordable social housing.
- The Council is also a partner in the Highland Housing Alliance. The Alliance is owned by five housing associations working in Highland, two housing trusts and The Highland Council. The

Alliance manages a landbank for the development of a wide variety of homes at sites around the Highlands. The Alliance is a not for profit development company that has been set up to help build more new affordable and private houses for people in the Highlands.

- The Alliance works with housing associations, landowners and private developers to ensure as many housing sites as possible are used for new homes.
- The definition of the various types of affordable housing is contained within the Supplementary Guidance and is due to be expanded in a forthcoming review. Essentially affordable housing is aimed at households that area unable to access open market housing.
- The Council acknowledge the difficult economic conditions and accept that a minor change to the wording would assist in the negotiation of affordable contributions. It is accepted that there is a financial constraint for both the delivery of private sector and public sector in place currently and that this change can assist in negotiating towards the recovery of all sectors of the housing market.
- The Council is committed to having a full suite of Supplementary Guidance in place at the time the Local Development Plan is adopted. We have commenced work on the majority of the new Supplementary Guidance documents referred to in the Local Development Plan, and have a timetable for the preparation of the remaining ones (as set out in our Development Plan Scheme). We are reviewing the rest of our currently adopted Supplementary Guidance documents (which can be seen to determine whether any further changes are required in the context of the Examination. Any changes to these documents will be widely publicised.
- The removal of Right to Buy on affordable properties was called for and consequent retention of stock for rental. The Council has had “Pressured Areas Status” since 2005; this means that tenants who started their current tenancies on or after 30 September 2002 in the designated “Pressured Areas” have their Right to Buy (RTB) suspended until November 2015. Suspension of Right to Buy applies to all Areas within Highland, excluding most of Caithness except Thurso. In addition the charitable status of the majority of Housing Associations gives exemption from the Right to Buy legislation.
- The role of the private sector is acknowledged and the Supplementary Guidance is to be redrafted to take account of Scottish Planning Policy, PAN 2/2010 Affordable Housing and the changed economic climate.

Strutt & Parker for Balnagown Estate (229), Drivers Jonas Deloitte (242)

- The policy statements will be clarified to indicate that the affordable housing policy applies to all housing proposals that meet the development threshold and there is a defined housing need.

Drivers Jonas Deloitte (242)

- In relation to mixed use and expansion sites, local development plan allocations define the elements of use that are expected are clearly defined. Affordable housing contributions are only sought in proportion to the residential use element.

Homes for Scotland (293), EMAC Planning (both 333, 532)

- The Council acknowledge the difficult economic conditions and accept that a minor change to the policy wording would assist in the negotiation of affordable contributions. At paragraph 3 of Policy 33 Affordable Housing, change third line to read; “...be expected to provide generally no less than 25% contribution in proportion to the allocated...” It is accepted that there is a financial constraint for both the delivery of private sector and public sector in place currently and consider other financial obligations.
- In addition many of the pressured areas that have been identified as having acute housing pressures are amongst those with the lowest levels of development activity and it is acknowledged that seeking a higher level of affordable housing contribution will not assist in the delivery of housing development. Accordingly the Council will seek affordable housing contributions in line with the Scottish Government benchmark figure, providing the policy direction sought and clearly stating the Councils intent to seek affordable housing contributions at this level. The Council will now seek a contribution level of generally no less than 25% in areas of identified housing need.
- The Council is committed to having a full suite of Supplementary Guidance in place at the time the Local Development Plan is adopted. The have commenced work on the majority of the new Supplementary Guidance documents referred to in the Local Development Plan, and have

a timetable for the preparation of the remaining ones (as set out in our Development Plan Scheme). We are reviewing the rest of our currently adopted Supplementary Guidance documents (which can be seen to determine whether any further changes are required in the context of the Examination. Any changes to these documents will be widely publicised.

- The review of the Affordable Housing Supplementary Guidance will provide a reviewed definition of affordable housing delivery methods including the revising the definition of unsubsidised private sector housing in meeting the identified need including consideration of the requirement for S75 agreements. This will include the consideration for innovative methods of delivery through both the public and private sector.
- In regard to PAN 2/2010 *Affordable Housing and Housing Land Audits* and Circular 1/2009 *Development Planning*, the proposed amendment to policy clarifies the Councils position in regard to the scale of contribution sought by the Council, equally the policy has a Highland wide scope and all development proposals over the threshold will attract the application of the policy. The policy already defines the circumstances where contributions ie in all locations where housing development is proposed, including both allocated and unallocated proposals; and where these meet or exceed the policy threshold.
- Areas of exceptions to the Policy , ie areas where the policy will not be applied, relate to Caithness and certain areas of low demand in Sutherland, with these being identified within the Supplementary Guidance
- PAN 2/2010, para 18 also acknowledges the role of Supplementary Guidance in providing detail as to “*how affordable housing should be delivered, developer contributions and methodologies for their calculation*” In this regard the revision to the Supplementary Guidance will provide the clear definitions on all appropriate mechanisms for the delivery of affordable housing.

Moray Council (403)

- The Council notes Moray Councils support for issues relating to the Councils approach to Affordable Housing.
- In regard to the issue of seeking contributions from smaller scale of housing development, at this juncture the Highland Council does not have the capacity to seek contributions from single house developments, additionally this may be seen as a barrier to the recovery of an area of housing development in Highland that has traditionally comprised a significant percentage of house building in Highland.

Scottish Government (324)

- The Council note the Scottish Governments view regarding the identification of areas where the Council may wish to negotiate a higher percentage contribution of Affordable Housing and where this information was to be contained.
- The Council’s approach to seeking higher percentage contributions than the established benchmark 25% (Scottish Planning Policy, para. 88) has been reconsidered as a consequence of the ongoing difficulties in the housing market. The Council will now seek a contribution level of generally no less than 25% in areas of identified housing need in line with the existing policy approach contained in existing development plans. This maintains existing well established policy approach within Highland.
- Areas of exceptions to the Policy , ie areas where the policy will not be applied, relate to Caithness and certain areas of low demand in Sutherland, with these being identified within the Supplementary Guidance.

The Lochaber Partnership (452)

- The Council is seeking through the HwLDP to set the threshold for contribution at 4 houses, this threshold has recently been confirmed through the adoption of the West Highland and Islands Local Plan, also the Sutherland Local Plan, in 2010 which confirmed this position. The 4 house threshold for affordable housing has been in place in the Wester Ross Local Plan area since plan adoption in 2006.
- The Council’s main thrust for the delivery of affordable housing is through the delivery of social rented housing, although where demand exists for low cost home ownership exists, this may be delivered optionally.
- The Council’s work through the Highland Housing Alliance. The Alliance works with housing

associations, landowners and private developers to ensure as many housing sites as possible are used for new homes.

Any further plan changes commended by the planning authority:

Amendments to supporting text

At Paragraph 19.1.1 insert text so line reads, “...*policy in this Plan and provides guidance as to its application and indicates areas where contributions may be expected.*”

At paragraph 19.1.2 replace sentence with, “*The Highland Housing Strategy indicates the tenure of affordable housing required to meet best needs.*”

Policy 33 amendments

In regard to paragraph 6 the consideration of this policy will apply from the date of adoption from the Plan.

The following minor amendment is commended for change:

At paragraph 3 of Policy 33 Affordable Housing, change third line to read;

“..be expected to provide generally no less than 25% contribution in proportion to the allocated...”

at paragraph 4 reword first sentence to read

“This policy will also apply to all proposals for housing development, both within or outwith Settlement Development Areas on sites....”

Amend para 2 to read at penultimate and last sentence “... *such contribution being generally no less than 25%. Negotiations will be subject to market and site conditions, and the final percentage contribution will reflect this, taking into account the financial viability of the proposal and other financial obligations.*” (333)

Reporter’s conclusions:

General

1. In representation 250, it is stated that many people do not know what is meant by “affordable housing.” I note that there is very full definition of affordable housing in the Glossary of the proposed plan. I conclude that there is no need to alter the plan in response to this aspect of representation 250.

Supplementary guidance

2. The role and nature of the supplementary guidance associated with policy 33 is a matter of concern in representations 293, 324 and 333.

3. Representation 324 raised a general concern about references to supplementary guidance throughout the plan, as a result of which the reporters requested further information from the Council. In its letter dated 14 September 2011, the Council commends removal of the second sentence of the first paragraph in policy 33 and, after the existing final paragraph, insertion of new text, as follows.

Further guidance on the delivery of these contributions is detailed in the Council’s Supplementary Guidance: Affordable Housing.

The main principles contained in the supplementary guidance are to:

- provide guidance on where and when affordable housing contributions will be sought;
- define acceptable forms of affordable housing contribution;
- provide further guidance on the mechanisms for securing affordable housing;
- provide advice on the type, design and layout of affordable housing; and

- indicate the mechanisms for the retention of affordable housing stock.

4. I note that policy 33 seeks, as a minimum, a 25% contribution towards affordable housing. Paragraph 19.1.2 says that the Council's *Highland Housing Strategy* indicates areas where a contribution of more than 25% may be expected. Against this background, representation 324 says that it is not *Highland Housing Strategy* that indicates where contributions greater than 25% may be sought. The information is in an annex, separate from the *Strategy*. The representation contends that the circumstances and locations where a contribution greater than 25% may be required should be clearly stated, ideally in the plan itself or, failing that, in the main body of the associated supplementary guidance.

5. Representation 293 is concerned that the Council's supplementary guidance on affordable housing is out of date. The representation also refers to paragraph 97 of Circular 1/2009: *Development Planning*, which says:

Matters that should be included in the LDP or SDP, and not in supplementary guidance, include.....items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.

The representation contends that too much critical policy is being left for inclusion in supplementary guidance.

6. Representation 333 wishes the plan to state that there will be a review of the Council's supplementary guidance.

I note that paragraph 19.1.1 of the proposed plan includes the following.

The Council's Supplementary Guidance on Affordable Housing reflects the policy in this Plan and provides guidance as to its application.

I find that this could readily be interpreted as referring to the Council's existing guidance. The Council's response to the representations explains that the existing supplementary guidance is to be revised. This should be made clear in the plan. This may be done by an insertion in paragraph 19.1.1 based on the text quoted from the Council's letter of 14 September 2011. This would also address the general concern in representation 324. The relevant part of paragraph one of policy 33 could then simply make reference to the revised guidance.

8. The plan's reference to the *Highland Housing Strategy* is criticised because it is not this document, but an annex, that indicates where increased contributions may be sought. I find this criticism is justified, especially in the light of paragraph 97 of Circular 1/2009. One means of addressing the criticism would be to make the revised affordable housing guidance the document which specifies those areas where increased contributions may be sought. After adoption, users of the plan would then need to refer to one document (the supplementary guidance) rather than two (the guidance and the *Strategy*).

9. There is a further and important reason for including the matter of increased contributions in the revised document that is to be adopted as supplementary guidance. The process of preparing and adopting supplementary guidance requires that there be opportunity for public scrutiny and for the making of representations. Thereafter, the Council must give consideration to any representations. This is all set out in section 22 of the Town and Country Planning (Scotland) Act 1997. With this in mind, I find that it would be permissible for matters of affordable housing contribution to be addressed in the new supplementary guidance, even though ideally, as contended in representation 324 and advised in Circular 1/2009, these matters should be in the plan itself.

10. From the foregoing, I conclude that the new text regarding "main principles" suggested by the Council should be adjusted to make it clear that the supplementary guidance will address the amount of contribution that is to be sought as well as the other matters.

Flexibility

11. Representations (293, 333 and 532) seek flexibility in the approach to securing affordable housing. In its original response, the Council states that the revised supplementary guidance will give consideration to innovative methods of delivery. I find that this should be stated in paragraph 19.1.1 of the plan, and my recommendation is framed accordingly.

The 25% contribution

12. Policy 33 contains reference to “a minimum 25% contribution.” This is a concern in several representations. It is contended that 25% should be a maximum rather than a minimum. The level of contribution should take account of other kinds of developer contribution that might be required. One representation (452) wishes to see a 33% level of contribution. In its response, the Council acknowledges the difficult economic conditions, and commends certain changes to the proposed plan. One of these is rewording paragraph 19.1.2 so that it no longer refers to contributions of more than 25%. In present conditions, I find this acceptable, and I adopt the Council’s suggestion in my recommendations.

13. The Council commends alterations to the second paragraph of policy 33. The phrase “normally being a minimum of 25%” could be replaced with “being generally no less than 25%” and the following sentence could include reference to the final percentage contribution reflecting market conditions. I find that these alterations are appropriate in current economic conditions and are a satisfactory response to the representations.

14. The Council also commends an adjustment to the third paragraph of policy 33. I agree with this as it would accord with the alterations to the second paragraph.

15. I find no evidence to justify the suggestion that the benchmark level of 25% be increased to 33%.

Tenure

16. In representation 18, there is concern that policy 33 does not specify what proportion of the affordable housing should be rentable. I note that paragraph 19.1.2, both the existing text and the recommended altered text, looks to the *Highland Housing Strategy* regarding tenure. Paragraph 19.1.1, as altered in accordance with the recommendations below, says that the revised supplementary guidance will define acceptable forms of affordable housing contribution. I find that these parts of the plan address adequately the concern in the representation.

17. In representation 293, it is contended that policy 33 must recognise that affordable housing can be delivered through various forms of tenure. Representation 452 refers to a need to examine the social rented market as an alternative to low-cost home ownership. I note that, in the Glossary of the proposed plan, the definition of affordable housing includes references to private rented accommodation and to low-cost owner-occupation. There is scope to give further consideration to matters of tenure in the proposed revised supplementary guidance. I find that these considerations adequately address the points raised in the representations.

Policy 33 – fourth paragraph

18. In representations 229 and 242, it is contended that the fourth paragraph of policy 33 is not clear and is contrary to *Scottish Planning Policy*. In response, the Council suggests amended wording for this part of the policy.

19. I find that the Council’s suggestion would make the first part of the fourth paragraph of policy 33 sufficiently clear, but it does not address the concern that the latter part of the paragraph is, in effect, referring to a hypothetical development.

20. The latter part of the fourth paragraph of policy 33 refers to density levels “consistent with the existing settlement or density patterns.” In most localities existing residential development normally has a range of densities. I consider it quite likely that there could be differing views as to what density should be selected in terms of this part of the policy. In any event, existing density does not necessarily dictate what density should be adopted for nearby new development. The site

for the new development could well have characteristics that would make appropriate a density markedly different from existing densities.

21. I note that paragraph 87 of *Scottish Planning Policy* says that the development plan should be clear on the scale of any affordable housing requirement.

22. From the foregoing, I find that this part of the policy does indeed lack adequate clarity. What the policy seeks is the appropriate level of affordable housing contribution. I conclude that this may be achieved by text that refers to the number of proposed dwellings.

23. There may be concern that an application for planning permission might be in outline and might not specify what number of dwellings is proposed, making it impossible to determine what affordable housing contribution, if any, should be sought. In such circumstances, I see no reason why the Council should not require, and the applicant provide, a figure for the number of dwellings to be erected and for the application to be determined on that basis.

Policy 33 – sixth paragraph

24. Representation 229 contends that the sixth paragraph of policy 33 is vague and open-ended. It is not clear whether the contribution threshold begins now or whether it takes into account previous permissions. The policy could be circumvented by a change of ownership.

25. In response, the Council commends a change to say that the policy will apply from the date of adoption of the plan. Following a request for further information, the Council, in a letter dated 21 October 2011, said:

- i. The primary landholding refers to the wider ownership of a landowner/land estate.
- ii. The contribution would be calculated in a way comparable to that for a single, large-scale proposal.
- iii. The policy does rely on the integrity of the landowner to a degree, although the land registry may be utilised to ascertain where land has been transferred to avoid the application of the policy.
- iv. The policy will be subject of review in line with the rest of the plan at five yearly intervals.

26. The change commended by the Council would address one of the specific concerns in the representation, but others would remain. “A contribution” and “primary landholding” are not defined and their meaning is not clear. How circumvention of the policy by change of ownership is to be avoided is not set out. Further consideration must be given to these aspects of the policy. This could be done as part of the process of preparing the associated supplementary guidance.

27. From the foregoing, I draw two conclusions. Paragraph six of policy 33 should say that it will be effective from the date of adoption of the plan. Paragraph six should also say that this aspect of the policy will be given further consideration in the supplementary guidance on affordable housing.

Retention of status

28. Representations 250 and 253 contend that resale of affordable houses at full market value must be prevented. As already noted, the Council says that the revised supplementary guidance will indicate mechanisms for retention of affordable housing stock. In terms of my recommendations below, this intention of the Council will be included in the plan. I find that this adequately addresses the concern in the representations.

Development size threshold

29. In representation 155, it is contended that contributions to affordable housing should be sought from small developments. I am not aware of any evidence – for example an analysis of past residential developments in Highland showing that an exceptionally large proportion of them were of three houses or less - that would justify a lowering of the threshold. My conclusion is that the threshold of four dwellings need not be altered.

Other concerns

30. Representations raised a number of other concerns.

31. It is contended that the Council should release land in exchange for provision of houses for rent (452) and that the Council should acquire small sites for development (422). I find that these matters of land transfer are not ones that call for any change to the proposed plan.

32. Representation 497 seeks recognition of the urgent need for affordable housing in the Invergordon area. Evidence has not been drawn to my attention to show that need at Invergordon is especially acute compared to other communities in Highland and merits special mention in the plan. There is scope in the proposed revised supplementary guidance for consideration of higher than normal affordable housing contributions, though this no doubt needs to be weighed against possible effect on viability of contributing developments. My conclusion is that the plan need not be altered in response to this representation.

33. Representation 155 seeks rigorous implementation of the integration aspect of policy 33. I find that this is a matter for the development management process, and that there is no need to alter the plan in this regard.

Reporter's recommendations:

I recommend the following modifications:

1. In paragraph 19.1.1, delete the last sentence but one ("The Council's.....its application.") and put in its place:

The Council will revise its existing supplementary guidance on affordable housing. The revised guidance will:

- a) provide guidance on where and when affordable housing contributions will be sought;
- b) specify those locations or circumstances where contributions of more than 25% will be sought, including what level of contribution will be sought and giving justification for the higher level;
- c) define acceptable forms of affordable housing contribution;
- d) give consideration to delivery of affordable housing by means of innovative methods;
- e) provide further guidance on mechanisms for securing affordable housing;
- f) provide advice on the type, design and layout of affordable housing; and
- g) indicate mechanisms for retention of affordable housing stock.

The revised guidance will be adopted as supplementary guidance for the Highland-wide Local Development Plan.

Delete paragraph 19.1.2 and put instead:

The Highland Housing Strategy indicates the tenure of affordable housing required to best meet needs.

3. In paragraph 1 of policy 33, delete the second sentence ("Further guidance.....Affordable Housing.") and put instead:

Further guidance on the delivery of these contributions will be contained in the revised supplementary guidance on affordable housing.

4. In paragraph 2 of policy 33, delete the text "such contribution.....financial contribution." and put instead:

such contribution being generally no less than 25%. Negotiations will be subject to market and site conditions, and the final percentage contribution will reflect this, taking into account the financial viability of the proposal and other financial obligations.

5. In paragraph 3 of policy 33, delete "a minimum" and put instead:

generally no less than

6. Delete paragraph 4 of policy 33 and put instead:

This policy will also apply to all proposals for four or more houses on sites not allocated for housing.

7. Add at the end of paragraph 6 of policy 33:

This part of the policy applies to dwellings granted planning permission on or after the date on which this local development plan is adopted. Details of how this part of the policy will be applied and enforced will be included in the supplementary guidance on affordable housing.

Issue 34	Houses in Multiple Occupation	
Development plan reference:	Policy 34 (Para 19.4, Page 82)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Inverness Business Improvement District (BID) (251)		
Provision of the development plan to which the issue relates:	Houses in Multiple Occupation	
Planning authority's summary of the representation(s):		
<p>The current arrangements for restriction of the development of HMO as set out in this policy should be extended to include the Inverness city centre area.</p> <p>The current policy has allowed for unlimited expansion of HMO's in Inverness City Centre. Their concentration in a limited area of the Inverness city centre has led to an increase in criminal and anti-social behaviour which has been extremely detrimental to the businesses in that area thus having a negative economic impact in that area. (251)</p>		
Modifications sought by those submitting representations:		
Propose that Policy 34 and the supplementary guidelines be amended to include a strict limitation on and dispersal policy for HMO's in the Inverness city centre. (251)		
Summary of responses (including reasons) by planning authority:		
<p>The aim of not having a restriction on the concentration of Houses in Multiple Occupation (HMO) within the City Centre is to allow the creation of a more vibrant city centre allowing for additional mixed used development. Monitoring of the existing policy which is set out in Houses in Multiple Occupation: Interim Supplementary Guidance (Page 4) has shown that there has not been what would be considered an excessive concentration of HMOs in Inverness City Centre (as defined by the Inverness Local Plan (City of Inverness Proposals Map)). (251)</p> <p>It is the responsibility of the Police to address anti-social behaviour and criminal activity, and there is limited evidence to suggest that proportion of HMOs is directly connected to level of criminal activity/anti-social behaviour. (251)</p>		
Any further plan changes commended by the planning authority:		
None.		
Reporter's conclusions:		
<p><i>City centre restriction of HMO development (251)</i></p> <p>1. As the Council has pointed out, the aim of this policy is to ensure the vibrancy of Inverness city centre. This will lead to greater vitality and viability to the benefit of the centre as a whole. The Council also notes that there is limited evidence to suggest that the high concentration of HMOs is</p>		

directly connected to criminal or anti-social behaviour, and it is correct to point out that such matters are the responsibility of the police. No evidence has been placed before me that shows any significant link. On this basis I am unable to recommend any modification to the policy.

Supplementary guidance

2. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based. In this case supplementary guidance is being provided for Houses in Multiple Occupation.

3. In response to a request for further information, the Council says that the original guidance is under review and currently subject to public consultation. It sets out the following principles that have guided its preparation:

- Ensure the provision of high quality Houses in Multiple Occupation across Highland;
- Manage the provision and potential amenity impacts of Houses in Multiple Occupation; and
- Promote a partnership approach to dealing with the wider issues related to Houses in Multiple Occupation.

4. The adoption of these guidelines will also ensure that amenity concerns, which would include matters relating to anti-social behaviour, are properly addressed. The plan should be modified accordingly.

Reporter's recommendations:

I recommend the following modification:

1. At the end of Policy 34 add a new paragraph:

The preparation of the supplementary guidance will be guided by the following principles:

- Ensure the provision of high quality Houses in Multiple Occupation across Highland;
- Manage the provision and potential amenity impacts of Houses in Multiple Occupation; and
- Promote a partnership approach to dealing with the wider issues related to Houses in Multiple Occupation.

Issue 35	Settlement Development Areas	
Development plan reference:	Policy 3 (Para 19.6, Page 83)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environment Protection Agency (SEPA) (326) Crofters Commission (271) Association for the Protection of Rural Scotland (353) Co-operative Group (444) S & A Corbett, A & A Currie, W & K MacKenzie (519)		
Provision of the development plan to which the issue relates:	Delineation and policy relating to Settlement Development areas	
Planning authority's summary of the representation(s):		
<p><u>Settlement Development Area - delineation</u> Concerns have been raised over the potential for the SDA policy to delineate areas of land that would impact to the detriment of both the existing settlement through impact on the setting and also in respect of surrounding countryside and existing uses. The following issues were cited:</p> <ul style="list-style-type: none"> ▪ Council should prepare village design statements to protect the character, integrity and setting of villages. (353) ▪ Concerns over interpretation of settlement boundaries and the word "settlement" which can be used very loosely for planning purposes. Over-development has taken place in small settlements eg Scotsburn/Lamington (519) ▪ The policy could offer support to certain land uses within the SDA that would have a detrimental impact on other interests. ▪ New developments within the SDA should be supported only in locations that are most appropriate within the SDA. (444) ▪ Concerned to note that Settlement Development Areas have sometimes been marked out to include much of the croft inbye land. (271) <p><u>Cross referencing to other policies</u></p> <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> ▪ Support this policy provided the policy make specific reference to the need for developments to be assessed for Flood Risk and in relation to River Basin Management Plans; or be clearly cross referenced to Policy 64, Water Environment and Policy 65 Flood Risk. In order to meet the requirements of the Water Framework Directive (200/60/EC). (326) (ALSO referred in policies 36, 37 and 39) (326) <p><u>G L Hearn (Co-operative Group) (444)</u></p> <ul style="list-style-type: none"> ▪ Comment was also made that the policy would benefit through explicit reference to a requirement for compliance with the other policies within the plan. (444) 		
Modifications sought by those submitting representations:		
<p><u>Cross reference to other policies</u> SEPA seek inclusion of specific reference to the need for assessments for Flood Risk and in relation to River Basin Management Plans; or be clearly cross referenced to Policy 64, Water Environment and Policy 65 Flood Risk. Specific reference should be made to the requirement to accord with other policies within the Plan.</p>		

Summary of responses (including reasons) by planning authority:Settlement Development Areas - delineation

- The delineation of SDA boundaries forms part of the consultation on the preparation of a development plan and there is ample opportunity to effect any changes required to remove areas of land where development would not be appropriate.
- The plan preparation takes into account the presence of opportunities and constraints when formulating proposals to include within development plans. This includes the requirement to observe the presence of various factors;

Paragraph 19.5.1 states:”

When defining SDAs we have taken account of a number of things, including:

- the quality of neighbouring croft or agricultural land;
- the type of land;
- the ability of the landscape to allow for development;
- the pattern of existing *settlements*; and
- the availability of infrastructure.”

- Further, the impact of development on prime agricultural land is a key consideration within Policy 29 Sustainable Design; also the Section on Crofting and Agriculture at paragraph 20.15.2 the text indicates “Agricultural land will be protected in line with Scottish Planning Policy”.
- In regard to development within the SDA, development proposals on land not specifically allocated for a particular land use purpose will be assessed on compatibility with existing and approved adjacent land uses and effect on any relevant constraining features.

Cross reference to other policiesSEPA (326)

- SEPA seek the inclusion of a specific cross-reference to Water Environment and Flood Risk policies, this would, however, potentially lead applicants to consider that these may be the only relevant policies, guidance on the use of the General Policies makes it clear that proposals are assessed against all policies.

G L Hearn (Co-operative Group) (444)

- Also another request for a specific reference to the need to comply with other relevant policies in the plan was sought. However, the General Policies section of the Plan makes it clear that, (para 18.2) “...that each planning application will be assessed against all policies and legislation to the particular proposal...” .

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:**Further information received**

1. In response to a request from me and in order to clarify the policy position, the Council has suggested rewording of the end of paragraph 19.5.1 as follows:

When defining Settlement Development Areas we have taken account of a number of things, including but not limited to: ...

2. It has also suggested rewording of the first and third paragraphs of the policy, as follows:

We will support proposals within Settlement Development Areas (as defined in the existing local plans and future area local development plans) if they meet the requirements of Policy 29: Sustainable Design and all other relevant policies of the plan.

Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.

Conclusions

Village design statements (representation 353)

3. The Association for the Protection of Rural Scotland urges the use of village design statements as a way of protecting the character, integrity and setting of villages. I accept the Council’s position that such statements should be used to inform preparation of the proposed area local development plans rather than guide development at the more strategic level of this plan.

Definition of settlements (representation 519)

4. The concerns of representors that settlements can be loosely defined for planning purposes would not arise in respect of Settlement Development Areas because their boundaries are defined on local plan maps.

Over-development in small settlements (representation 519)

5. As far as this representation relates to policy in a different local plan, it lies outwith my remit. However, I note that Policy 35 includes criteria which would control development density within settlements.

Detrimental land uses/croft inbye land/cross referencing (representations 271, 326, 444)

6. The council’s suggested rewording of the supporting text and policy would clarify the policy position and address the concerns of representors.

Reporter’s recommendations:

I recommend the following amendments:

1. The end of paragraph 19.5.1 should be reworded as follows:

When defining Settlement Development Areas we have taken account of a number of things, including but not limited to: ...

2. The first and third paragraphs of the policy should be reworded, as follows:

We will support proposals within Settlement Development Areas (as defined in the existing local plans and future area local development plans) if they meet the requirements of Policy 29: Sustainable Design and all other relevant policies of the plan.

Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.

Issue 36	Housing in the Countryside (Hinterland areas)	
Development plan reference:	Policy 36 (Para 19.8, Page 84)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Scottish Natural Heritage (SNH) (118) Glen Urquhart Community Council (174) Community Council for the Royal Burgh of Tain (175) Floris Greenlaw (222) Balnagown Castle Properties Ltd (229) Crofters Commission (271) Bowlts Chartered Surveyors (309) Scottish Environment Protection Agency (SEPA) (326) Edderton Community Council (373) James Cockburn (390) Kiltarlity Community Council (392) 3D Plans (429) Balloch Community Council (436) M Gilvray (453) GH Johnston Building Consultants (GHJ) (459)</p>		
Provision of the development plan to which the issue relates:	Application and extent of Housing in the Countryside policy	
Planning authority's summary of the representation(s):		
<p><u>Application of policy and hinterland boundary</u></p> <ul style="list-style-type: none"> ▪ Current hinterlands are too large and it is unclear how these boundaries have been defined or how the demand has been calculated. (309) ▪ Consider the policy overly restrictive in current and proposed form, feel there is little scope for development around Tain. The area does not suffer from undue housing pressure and feel that the more relaxed position in the Fearn Peninsula should be adopted directly around Tain.(175) ▪ The policy needs to be the subject of sound implementation with consistent decision making in line with the guidance. (453) ▪ The locations of Kinerras/Cruive and Clunevackie are integral parts of Kiltarlity and the hinterland should be extended to include them. (392, 222) Other similar just beyond the Hinterland boundary round Inverness should also be included. (222) ▪ Edderton Community Council. welcomes the relaxations proposed in the policy and SG which it believes will help make small communities like Edderton more sustainable. (373) ▪ Balloch Community Council opposes any development that erodes the current built boundary of the community. (436) ▪ Await with interest the preparation of the Supplementary Guidance. (229) <p><u>GH Johnston (459)</u></p> <ul style="list-style-type: none"> ▪ The policy does not concur with Government guidance and should be corrected by changing 'derelict' to 'brownfield', it should accord with the terms used in Government guidance. The Government's definition of "brownfield land" as explained in Scottish Planning Policy 2010 (459) <p><u>Irene Brandt (18)</u></p> <ul style="list-style-type: none"> ▪ The Council should protect all present or potential agricultural land from house-building except 		

where the new housing is intended for workers in agricultural or new local enterprises. (18)

Moray Council (403)

- The Highland Council policy approach is similar to the Moray Council's policy, whereby a more controlled approach is taken to development within the Countryside Around Towns (CAT) with a more permissive stance within the open countryside. Although there are some subtle differences in policy approach it is not considered that these will cause significant cross-boundary issues. (403)

Scottish Natural Heritage (118)

- Paragraph 19.7.2 should refer to landscape character and the relevance of landscape character assessments. (118)
- It is unclear whether 'countryside areas' refers to rural Settlement Development Areas as well as wider countryside and hinterland areas and this should be clarified.
- Regarding development potential identified within garden ground as contained within the Draft Supplementary Guidance: Housing in the Countryside, para 32-33, it is unclear how this derives from Policy 36. Suggest the penultimate bullet point in Policy 36 requires to be amended to read: "The proposal meets the Council's criteria for acceptable expansion of a housing group or development within Garden Ground (as detailed in the relevant Supplementary Guidance)
- Consistency is needed to what the Siting and Design Guidance is called. (118)
- Clarification is required as to whether 'countryside areas' include rural settlement development areas as well as wider countryside and hinterland areas. (118)
- There is no reference to proposed Housing Group Capacity Studies under Future Supplementary Guidance. Recommend adding to para 19.7.4 "The ability of housing groups to accommodate additional development will be assessed through the preparation of Housing in the Countryside: Housing Group Capacity Studies Supplementary Guidance". (118)
- Policies 48 and 49 make reference to hinterland areas, present this policy only makes reference to Policy 49. Therefore we recommend reference is added to Policy 48 by amending the last bullet point "... and meet the criteria set out in Safeguarding Inbye/AppORTioned Croftland Policy 48 and New/Extended Crofting Township Policy 49". (118)
- SNH support the reference to siting and design guidance but the guidance itself needs to be clear that it covers all croft land (including within SDA's) and needs to strengthen to cover crofting landscapes in sufficient detail. (118) (Xref to Policy 48 Safeguarding Inbye/AppORTioned Croft Land)

SEPA (326)

- Support this policy provided the policy is extended to make specific reference to the need for developments to be assessed for Flood Risk and in relation to River Basin Management Plans or be clearly cross referenced to Policy 64, Water Environment and Policy 65 Flood Risk. (326)

Crofters Commission (271)

- References to the number of houses on a croft, and distances between houses etc., seem to have been dropped from the text of Local Plans. This may have opened the way for the siting of several houses on the inbye land of one croft, which has happened in recent cases (271)

Modifications sought by those submitting representations:

Revision of hinterland boundary (175), (309)

The definition of brownfield land should be extended to accord with SPP 2010. (459)

Suggest Kiltarlity boundary is redrawn (392)

Wording should be added which allows an element of flexibility in the location of the Hinterland boundary as shown on the proposals Map so that local boundary issues can be considered in the forthcoming replacement to the Inverness Local Plan and possibly other Local Plans. (222)

Augment Paragraph 19.7.2 with additional sentence, "Proposals should be sympathetic and relate to landscape character, having regard to landscape character assessments produced through Scottish Natural Heritage." (118)

Augment Paragraph 19.7.4 to include, "The ability of housing groups to accommodate additional development will be assessed through the preparation of Housing in the Countryside: Housing Group Capacity Studies Supplementary Guidance." (118)

Amend last bullet point of policy to read, "...and meet the criteria set out in Safeguarding Inbye/AppORTioned Croftland Policy 48 and New/Extended Crofting Township Policy 49." (118)

Summary of responses (including reasons) by planning authority:

General

- The extent of the existing hinterland boundary will be re-assessed during the preparation of the area local development plan as indicated in paragraph 19.7.4. (175, 222, 309, 392)
- The intention is that the Policy along with the Supplementary Guidance will assist in the delivery of consistent decision making across the Council's areas. (453)
- The correct application of the Policy will safeguard the integrity of Settlement Development Areas. (436)
- In regard to utilising the term "brownfield" land, The Council's intent is that only rural "brownfield" sites which cannot readily return to a natural state creating more attractive environments (SPP, para 48 refers) and where a wider environmental benefit can be achieved in their development for housing will be acceptable under the Policy. It is therefore not appropriate to accept the wider definition that applies with the term "brownfield".

Moray Council (403)

- The Council notes Moray Council's comments regarding the levels of affinity in both Council's policy approach.

SNH (118)

- With regards to SNH's concern regarding the siting and design Supplementary Guidance and how this addresses crofting areas, we do intend to address siting and settlement pattern issues more fully in future iterations of this Supplementary Guidance. (118)
- The Council accept the need for reference to be made under the penultimate bullet. in Policy 36, insert text to read, "*The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant Supplementary Guidance)*"
- References to the Siting and Design Draft Supplementary Guidance will be amended to apply a consistency of the correct term.
- Areas outwith defined Settlement Development Areas fall within countryside areas.
- The Housing Group Capacity Studies are listed on page 154 of the Plan under the Future Supplementary Guidance head, however it would be prudent to indicate the potential for these to be prepared to inform policy interpretation. Also there is a need to include reference to landscape character and the relevance of landscape character assessments when considering proposals; insert new paragraph after para 19.7.2, "In considering proposals the various landscape character assessments produced through Scottish Natural Heritage covering Highland broadly classify the types of landscape character present and provides advice on about assessing proposals. Where particular housing groups are identified as being under pressure Housing Group Capacity Studies will be produced on an as-required basis to assess the ability of these housing groups to accommodate additional development."
- In respect to the making reference to Policy 48 this Policy refers to all countryside areas and the potential for single house croft related applications. The Council accepts the reference should be made however with different wording to that suggested. Add text to bullet 8 "*Proposals for a single house on crofts must comply with the criteria in the Siting and Design Guidance and/or Policy 48 Safeguarding Inbye/AppORTioned Croftland*"
- Both the Draft Housing in the Countryside and the Draft Siting and Design Supplementary Guidance are to be revisited in order to address issues raised regarding their content,

presentation and the synthesis between the 2 documents.

SEPA (326)

- SEPA seek the inclusion of a specific cross-reference to Water Environment and Flood Risk policies, this would, however, potentially lead applicants to consider that these may be the only relevant policies. Additionally specific reference to the need to comply with other relevant policies in the plan was sought. However, the General Policies section of the Proposed Plan makes it clear, (para 18.2) "...that each planning application will be assessed against all policies and legislation to the particular proposal..." .

Crofters Commission (271)

- The requirement for proposals to accord with *Policy 48 Safeguarding Inbye/AppORTioned Croftland & Policy 49 New/Extended Crofting Townships* will address concerns regarding the loss of inbye land and also having regard to the character of development. In addition the Housing in the Countryside Supplementary Guidance and the Siting and Design Supplementary Guidance will contain further guidance in relation to croft related housing development in response to the recent consultation.

Any further plan changes commended by the planning authority:

Under the penultimate bullet. in Policy 36, insert text to read, "*The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant Supplementary Guidance)*"

Add text to bullet 8 "*Proposals for a single house on crofts must comply with the criteria in the Siting and Design Guidance and/or Policy 48 Safeguarding Inbye/AppORTioned Croftland*"

Reporter's conclusions:

Further information received

1. The Moray Council has withdrawn its representations.
2. The Council has recently merged its Housing in the Countryside Guidance and its Siting and Design Guidance into a combined document to provide a single reference for development under both Policies 36 and 37. It intends to adopt that revised document as supplementary guidance. The main principles of that guidance will be as follows:

The Housing in the Countryside and Siting and Design: Supplementary Guidance will identify the main principles for housing proposals in all countryside areas. In particular, it will:
 - identify wider development factors to be considered
 - provide advice on the identification of development opportunities
 - define exceptions to the policy
 - provide advice in relation to location, siting and design
 - highlight environmental and landscape issues.
3. In June, the Council issued an erratum list the first point in which referred to an accompanying map amending the extent of the hinterland zoning to include Nairnshire. This was stated to reflect the existing position.
4. In response to my request for further information, the Council has explained that an indicative 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. The boundary was refined in subsequent local plans. 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.

5. 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 2001, the policy has seen 36 houses built in the immediate hinterland of Tain, 18% of all development in the Tain settlement zone over that period. This demonstrates that the policy offers opportunity for some development in the hinterland, whilst avoiding suburbanisation, and it shows the relative pressures for housing development. The approach is consistent with the aims of Scottish Planning Policy.

6. The Council has submitted revised wording for the supporting text and policies to clarify the relationship between Policies 36 and 37.

Conclusions

Clarification (representation 118)

7. The Council's suggested additional material on landscape character assessments and housing group capacity studies appears uncontentious, is partly foreshadowed in the list of future supplementary guidance, and adds clarity to its position.

8. The Council's clarification of the term "countryside areas" should be included in the glossary. The Council's inclusion of garden ground development within the 7th bullet point is in line with its proposed supplementary guidance.

9. The Council's clarification of the relationship between Policies 36 and 37 should be accepted.

Extent of hinterland zoning (representations 175, 222, 309, 392)

10. The Council has derived the boundary of the hinterland areas by a rational process which has been subject to public consultation. I am not persuaded that this is too restrictive on development. Any further adjustments to the boundary is more properly left to the future area local development plans.

11. I note, in passing, that because of an error on the Proposals Map, potentially interested parties will not have had the opportunity to make representations regarding the inclusion of Nairnshire within the hinterland zoning. However, the Council's amendment broadly reflects the "hinterland/ countryside around towns" zoning in the Highland Structure Plan 2001.

Brownfield land (representation 459)

12. The Council is at liberty to draft a policy to address development in relation to a narrower category of land from that defined as brownfield in the Scottish Planning Policy. However, in the interest of clarity, the Council's explanation of its intentions regarding potentially developable brownfield sites (in its summary of responses, above) should be set out in the policy.

Housing on crofts (representation 271)

13. It would be more relevant for the 8th bullet point to make reference to policy 48 and the Council's Housing in the Countryside and Siting and Design Supplementary Guidance, as the Council now suggests. These controls should adequately address the concerns of the Crofters Commission.

Agricultural land (representation 18)

14. The representor's proposed protection of all agricultural land from housebuilding goes far beyond government policy or advice. No grounds are given for such a level of protection.

Supplementary Guidance (representations 118, 324)

15. The proposed supplementary guidance is a suitable topic for such treatment, in line with the advice in Circular 1/2009: Development Planning. The Scottish Government representation invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that further information was required. I find that the additional

text supplied by the Council provides a sufficient policy context for the supplementary guidance.

16. In final sentence of the policy, the title of the supplementary guidance needs to be given in full.

17. With regard to SNH's concerns over siting and settlement pattern issues in supplementary guidance, the content of such guidance falls outwith the remit of this examination (a separate process under the development planning regulations applies).

Cross-references (representation 326)

18. The cross-referencing to water environment and flood risk policies, as sought by SEPA, could be confusing. The Council's responses have made it clear that it wishes to rely on the statement in paragraph 18.2 of the plan to the effect that proposals will be assessed against all relevant policies of the plan. It has rightly pointed out that to then include cross-references to other policies within only certain policies could lead to confusion as to whether paragraph 18.2 applied in those cases. I also draw attention to my recommendation for Issue 82 that a new paragraph 3.8.4 should be added to make it clear that any individual policy must be read in conjunction with other relevant policies in the plan. Therefore, unless there is a compelling reason to do so in order to comply with Habitats Regulations Appraisals, I consider that such cross-references should not be included.

Reporter's recommendations:

I recommend the following amendments:

1. Amend paragraph 19.7.2 to read:

The Council maintains a two tier approach towards identifying the potential for housing development proposals within the countryside. Within the hinterlands around towns (as defined on the Proposals Map) Policy 36 Housing in the Countryside (Hinterland Areas) will apply to proposals for housing development. The hinterland area around towns has been identified as where pressure for commuter based housing development is greatest. A more managed approach to housing development is required in the hinterland to prevent the suburbanisation of the countryside and the breaching of service network capacities. However, this approach does acknowledge that there is still potential for small scale housing development in the countryside based on existing groups, renovation and redevelopment opportunities and housing linked to rural businesses.

2. Insert a new paragraph after 19.7.2 to read:

In considering proposals, the various landscape character assessments produced through Scottish Natural Heritage covering Highland broadly classify the types of landscape character present and provide advice on assessing proposals. Where particular housing groups are identified as being under pressure, Housing Group Capacity Studies will be produced on an as-required basis to assess the ability of these housing groups to accommodate additional development.

3. Amend paragraph 19.7.3 (renumbered as 19.7.4) to read:

Housing development proposals outwith the hinterlands around towns will be determined in accordance with Policy 37 – Wider Countryside. Development within all countryside areas will also have to accord with the Housing in the Countryside and Siting and Design: Supplementary Guidance.

4. The 6th bullet point should be expanded to include the Council's explanation of its intentions regarding potentially developable brownfield sites (in its summary of responses, above).

5. Replace the 7th bullet point by:

The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant supplementary guidance).

6. Add the following to the 8th bullet point:

Single house proposals on crofts must comply with the criteria in the Housing in the Countryside and Siting and Design Supplementary Guidance and/or Policy 48: Safeguarding Inbye/Apportioned Croftland.

7. The final sentence of the policy should include the full title of the guidance, namely: Housing in the Countryside and Siting and Design Supplementary Guidance.

8. An additional paragraph should be added to the policy, as follows:

The Housing in the Countryside and Siting and Design: Supplementary Guidance will identify the main principles for housing proposals in all countryside areas. In particular, it will:

- identify wider development factors to be considered
- provide advice on the identification of development opportunities
- define exceptions to the policy
- provide advice in relation to location, siting and design
- highlight environmental and landscape issues.

9. A sentence should be added at the end of the policy:

Housing development proposals outwith the hinterlands around towns will be determined in accordance with Policy 37 – Development in the Wider Countryside.

10. The Council’s clarification of the term “countryside areas” should be included in the glossary, as follows:

Countryside areas: all areas outwith defined Settlement Development Areas.

Issue 37	Wider Countryside	
Development plan reference:	Policy 37 (Para 19.10, Page 85)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Laid Grazings Committee (83) Scottish Natural Heritage (SNH) (118) Terence O'Rourke Ltd (Renewable energy client-base) (164) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Crofters Commission (271) Scottish Wildlife Trust (285) Sportscotland (320) Scottish Environment Protection Agency (SEPA) (326) Boyd Brothers Haulage (438) CASA Planning and Environment Ltd for Cube Engineering (449) Jones Lang LaSalle for Spittal Hill Windfarms Ltd (450) Lochaber Partnership (LP) (452) M Gilvray (453) Jones Lang LaSalle for PI Renewables (454) Biggart Baillier for Nanclach Ltd (457) Jones Lang LaSalle for Wind Energy Glenmorie Ltd (462) Tain and Easter Ross Civic Trust (470)</p>		
Provision of the development plan to which the issue relates:	Wider Countryside	
Planning authority's summary of the representation(s):		
<p><u>General</u></p> <ul style="list-style-type: none"> ▪ Fully support the guidance – this qualifies some of the statements in the 'Vision' as to where and what type of development will be encouraged ▪ Overall sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320) ▪ Object to the policy as it could be incorporated as part of a single Housing in the Countryside policy with a single piece of Supplementary Guidance. Otherwise titling the policy "Housing in the...." would clarify things. Otherwise supportive of the approach to housing in the wider countryside area. (229) ▪ New development should only occur as extensions to cities, towns and villages, with easy access to facilities, reduced travel also a need to incentivise employment and sustainable food production. (470) ▪ Development outwith settlements should not be discouraged. Sympathetic buildings in remote areas can enhance rather than detract. Land owners should be encouraged to utilise their land to its full potential to provide renewable energy. (438) ▪ New housing in the Laid parish tends to be fairly large kit houses which do not really fit in very well with the environment and will not attract tourists (83) ▪ Lochaber's Community Planning Partnership consider a 6 month change of use restriction on community and commercial facilities that close in fragile areas (452) <p><u>Crofters Commission (271)</u></p> <ul style="list-style-type: none"> ▪ References to the number of houses on a croft, and distances between houses etc., seem to have been dropped from the text of Local Plans. This may opened the way for the siting of 		

several houses on the inbye land of one croft, which has happened in recent cases (271)

Renewable energy proposals

- Last paragraph states that renewable energy projects will be assessed against “Renewable Energy” policies, this statement is generally supported, for clarification and to avoid ambiguity the policy wording should be preceded by “This policy does not apply to renewable energy developments, renewable energy developments will be assessed against...”
- Clarity is required as to what constitutes ‘detrimental’ however the Council also have an obligation to consider developments that can prove to offer social and economic sustainable development to such areas and their communities. (164, 268, 450, 449, 454, 457, 462)

Landscape

SNH (326)

- The third and fourth sentences of para. 19.9.3 should be amended to include wider reference to landscape character assessment (118)
- The policy should refer in more detail to natural, cultural and built heritage. (118)
- Given the exclusion of parts of Caithness and Nairnshire from the hinterland there is a need for the policy to continue to reflect the balanced landscape character of these areas. (118)
- Paragraph 5.4 of Housing in Countryside: Supplementary Guidance should be included in the policy itself. (118)

Scottish Wildlife Trust (285)

- Wider countryside should include a bullet point which states that proposals will be assessed for the extent to which they avoid areas that have high natural heritage value, be it in terms of protected species or habitats. (285)

Modifications sought by those submitting representations:

Amalgamate policies 36 and 37 and have a single piece of Supplementary Guidance. (229)

Restrict opportunities for development in rural areas not related directly to existing land use. (470)

Inclusion of a bullet point which states that proposals will be assessed for the extent to which they avoid areas that have high natural heritage value. (285)

Third and fourth sentences of para. 19.9.3 to read, “The various landscape character assessments produced through Scottish Natural Heritage covering Highland broadly classify the types of landscape character present and highlight the characteristics of a landscape to which development should relate. These will be applicable when examining proposals.”

Sentence should be added to the end of policy to read, “All proposals should accord with the general policies of the Plan and the Siting and Design Guidance”. (118)

First bullet point amended to, “are acceptable in terms of siting and design.” (118)

Third bullet point amended to, “are compatible with landscape character and do not exceed the capacity of the landscape to accommodate development while maintaining its distinctive characteristics.” (118)

Add additional bullet point to read, “avoid incremental expansion of one particular development type within a landscape whose character relies on an intrinsic mix/distribution of a range of characteristics.” (118)

Add the following to policy, “The Council’s favoured approach is that potential within existing housing groups should represent the basis on which to initially consider proposals.” (118)

Inclusion of a statement to include ‘development proposals may be supported if they are judged to be not significantly detrimental in terms of this policy or potentially provide significant sustainable economic and/or social gain’ (449)

Last paragraph should be worded, “This policy does not apply to renewable energy developments, renewable energy developments will be assessed by...” (454)

SEPA (326)

Support this policy provided SEPA’s recommendations that the policy be extended to make specific reference to the need for developments to be assessed for Flood Risk and in relation to River Basin Management Plans which are significant factors in relation to the principles of sustainable design or be clearly cross referenced to Policy 64, Water Environment and Policy 65 Flood Risk. In order to meet the requirements of the Water Framework Directive (200/60/EC). (326) (ALSO referred in policies 35 and 36) (326)

Summary of responses (including reasons) by planning authority:

General

- In regard to calls for this policy to be merged with Policy 36 Housing in the Countryside. The Council adopts a 2 tier approach to the potential for housing development in rural areas. The Council view is that this distinction is best served through the retention of 2 policy heads. (229)
- In response to restricting development opportunities to those directly employed in rural activities, the Council seeks to find a balance between allowing for more development opportunities in rural locations in order to sustain rural communities in line with national guidance and preserving the rural character of areas. The Council feels that the policy approach it has adopted is well placed to achieve these aims. (438, 470)
- The delivery of the 2 Supplementary Guidance documents are aimed at providing advice on aspects of locational guidance and also appropriate design styles in order to guide acceptable solutions to rural housing development opportunities. (83)

Crofters Commission (271)

- The requirement for proposals to accord with *Policy 48 Safeguarding Inbye/AppORTioned Croftland & Policy 49 New/Extended Crofting Townships* will address concerns regarding the loss of inbye land and also having regard to the character of development. In addition the Housing in the Countryside Supplementary Guidance and the Siting and Design Supplementary Guidance will contain further guidance in relation to croft related housing development in response to the recent consultation.

Renewable energy proposals

- The Council acknowledge that for large scale onshore renewable energy proposals will primarily be assessed against Policy 68 Renewable Energy Developments. For smaller scale proposals e.g. community led, it would be appropriate to also consider criteria defined in Policy 37 Wider Countryside as well as other relevant policy. (164, 268, 450, 449, 454, 457, 462)
- The impact of development on the criteria listed within the policy will be used to assess whether impacts of development would be considered detrimental. It is acknowledged that proposals will also be assessed on social and economic benefits to areas and their communities. (164, 268, 450, 449, 454, 457, 462)
- Within Fragile areas where the loss of rural lifeline facilities such as a village shop seeks a change of use currently seeks evidence on why the use is no longer viable and that it has been marketed for a minimum of 3 months. This period of time has been determined through the consideration of the length of time of various such applications going through the Council’s planning committee. This timescale has been arrived at as to allow a reasonable amount of time for market forces to react but not so long that this may cause financial hardship to existing owners of property/businesses.(452)

SNH (118)

- The Council consider that the existing wording within the supporting text of paragraph 19.9.3 adequately cover the potential use of the landscape character assessments in that these will be referred to in detail where a proposal is not obviously in keeping with the existing character of development.
- The Council accept the suggestion to amend the first bullet point to read “are acceptable in terms of siting and design” and to add a sentence to the end of policy to read, “All proposals

- should accord with the general policies of the Plan and the Siting and Design Guidance”. (118)
- In regard to the inclusion of further bullet points the Council’s view is that these are points of greater detail that are already more appropriately addressed in the Siting and Design Supplementary Guidance these relate to;
 - third bullet point amended to, “are compatible with landscape character and do not exceed the capacity of the landscape to accommodate development while maintaining its distinctive characteristics.” (118)
 - additional bullet point to read, “avoid incremental expansion of one particular development type within a landscape whose character relies on an intrinsic mix/distribution of a range of characteristics.” (118)
 - Seek the addition of the following to policy, “The Council’s favoured approach is that potential within existing housing groups should represent the basis on which to initially consider proposals.” (118)

Scottish Wildlife Trust (285)

- The Plan indicates that developments will be subject to consideration of all plan policies to reinforce this point add a sentence to the end of policy to read, “All proposals should accord with the general policies of the Plan and the Siting and Design Guidance”. (285)

Any further plan changes commended by the planning authority:

Amend the first bullet point to read “are acceptable in terms of siting and design” and to add a sentence to the end of policy to read, “All proposals should accord with the general policies of the Plan and the Siting and Design Guidance”. (118)

Reporter’s conclusions:

Further information received

1. The Council accepts that the requirement to accord with Housing in the Countryside and Siting and Design: Supplementary Guidance (discussed under Policy 36) should be referred to within Policy 37 and submits the following additional text:

Development proposals for housing in the wider countryside will be determined in accordance with the Housing in the Countryside and Siting and Design: Supplementary Guidance.

2. In reply to my questions, the Council has withdrawn the opinion it expressed in response to representations that it would be appropriate to assess smaller scale proposals against criteria in Policy 37. However, it points out that all renewable proposals will also need to be considered against other relevant plan policies, e.g. Policy 62: Landscape and Policy 58: Natural, Built and Cultural Heritage.

3. The Council has confirmed that the policy is intended to deal with all types of development in countryside areas, including non-housing development within the hinterland areas.

4. The Council has clarified that assessment of the social and economic benefits of renewable energy proposals to areas and their communities is required under Policies 68: Renewable Energy Developments and 69: Community Renewable Energy Developments.

5. The Council suggests additional text to clarify the relationship between Policies 36 and 37, and to state exceptions to the policy by replacing paragraph 19.9.4 as follows:

Development proposals within the wider countryside will be assessed against Policy 37: Wider Countryside. Exceptions to this are: development proposals for housing within hinterlands around towns, to be determined in accordance with Policy 36: Housing in the Countryside (Hinterland Areas); and renewable energy development proposals, to be assessed against the renewable energy policies, the non-statutory Highland Renewable Energy Strategy, and where appropriate Onshore Wind Energy: Supplementary Guidance. All development proposals will be subject to the consideration of other relevant policy as appropriate.

6. SNH has withdrawn its representation with respect to reference to cross-reference to other policies of the plan in view of the proposed mitigation in Table 7 of the Habitats Regulations Assessment Report.

Conclusions

Title (representation 229)

7. In contrast to Policy 36, this policy refers to all types of development, not just housing. In the interests of clarity, that should be reflected in its title.

Clarity (representation 229)

8. As commended by the Council, the first sentence of the policy should be amended to clarify its scope. The relationship between Policies 36 and 37 should be clarified in the way the Council suggests.

Two tier approach (representation 229)

9. I am not persuaded by the representor's argument that merging this policy with Policy 36 would improve clarity. That policy deals with housing only.

Restriction on countryside development (representation 470)

10. A restriction on countryside development not directly related to existing land use other than as extensions to settlements would not accord with national policy. The Council is justified in its present balanced approach, which allows for some development in the countryside, including remoter areas, in defined circumstances.

Fragile areas (representation 452)

11. The balance which the Council has chosen to strike between protecting facilities and avoiding financial hardship to owners of properties and businesses in Fragile Areas has been arrived at in the light of experience. Whilst no doubt there will be differences of opinion as to where that balance should lie, I see no reason to change the Council's policy in that regard.

Crofts (representation 271)

12. I am satisfied that the siting of houses on the inbye land of crofts will be controlled by the terms of Policy 48 and by the supplementary guidance described below.

Renewable energy proposals (representations 164, 268, 450, 449, 454, 457, 462)

13. The Council's suggested wording for exceptions to the policy clarifies that renewable energy proposals would be assessed against Policies 68 and 69 and not Policy 37, and thereby avoids difficulties with applying certain criteria.

14. I see no need to attempt an analysis of what constitutes "detrimental" in terms of the policy. That would be a matter of judgement and common sense in each instance.

Landscape (representation 118)

15. I consider that the references in paragraph 19.9.3 to landscape character assessments are adequate. The addition of the word "siting" to the first bullet point would be appropriate.

16. Some of SNH's comments on landscape are based in part on the assumption that Nairnshire is now excluded from the hinterland around towns' areas. The Council has since indicated that this was a mapping error.

17. Expansion of the third bullet point, as SNH suggests, seems unnecessary given that such detail is more appropriate within supplementary guidance. The same applies to the suggested additional sentence about potential within existing housing groups. However, the suggested additional bullet point relates to a range of development types (not just housing) and therefore goes beyond the supplementary guidance. It addresses an important policy consideration to do with the mix and balance of development types within landscapes and should therefore be included in the policy.

Cross-references (representations 118, 326)

18. The Council's responses have made it clear that it wishes to rely on the statement in paragraph 18.2 of the plan to the effect that proposals will be assessed against all relevant policies of the plan. It has rightly pointed out that to then include cross-references to other policies within only certain policies could lead to confusion as to whether paragraph 18.2 applied in those cases. Therefore, unless there is a compelling reason to do so in order to comply with Habitats Regulations Appraisals, I consider that such cross-references should not be included.

Status of Highland Renewable Energy Strategy (representation 164)

19. Contrary to the contention by the representor, the order in which policies, strategy documents and guidance are listed in the last paragraph of Policy 37 do not necessarily imply higher status. It will be for the determining body to apply the appropriate status to each, with statutory policies and guidance attracting greater weight than non-statutory.

Supplementary guidance (representation 324)

20. The proposed supplementary guidance is a suitable topic for that treatment, in line with the advice in Circular 1/2009: Development Planning. The Scottish Government representation invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that further information was required. I consider that the main principles submitted by the Council provide a sufficient policy context for the supplementary guidance.

21. Policy 37 should make reference to the need for housing proposals in the wider countryside to accord with the Housing in the Countryside and Siting and Design Supplementary Guidance.

Reporter's recommendations:

I recommend the following modifications:

1. Paragraph 19.9.4 should be replaced by the following:

Development proposals within the wider countryside will be assessed against Policy 37: Wider Countryside. Exceptions to this are: development proposals for housing within hinterlands around towns, to be determined in accordance with Policy 36: Housing in the Countryside (Hinterland Areas); and renewable energy development proposals, to be assessed against the renewable energy policies, the non-statutory Highland Renewable Energy Strategy, and where appropriate Onshore Wind Energy: Supplementary Guidance. All development proposals will be subject to the consideration of other relevant policy as appropriate.

2. The title of the policy should be modified to:

Development in the Wider Countryside.

3. The first sentence of the policy should be modified to read (in part):

Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they: ...

4. The first bullet point should be modified to:

- are acceptable in terms of siting and design.

5. A new bullet point should be added after the 3rd bullet, namely:

- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics.

6. The following should be added towards the end of the policy:

All proposals should still accord with the other general policies of the plan.

7. A new paragraph should be added at the end of the policy:

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

Issue 38	Accommodation for an Ageing Population	
Development plan reference:	Policy 38 (Para 19.12, Page 86)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Paul Jenkins (74) Kingussie & Vicinity Community Council (93) Mrs E Holland (153) Julian Walford (155) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) NHS Highland (411) Helen Jenkins (527)</p>		
Provision of the development plan to which the issue relates:	Policy remit and application	
Planning authority's summary of the representation(s):		
<p><u>Strutt & Parker for Balnagown Estate (229)</u></p> <ul style="list-style-type: none"> ▪ Object to the policy. The identification of specific sites in the local plan for such uses may only serve to artificially inflate land prices and potentially restrict delivery. Would support a change to policy that identified broad search areas. (229) <p><u>Kingussie & Vicinity Community Council (93)</u></p> <ul style="list-style-type: none"> ▪ It is vital that at the very least, existing sheltered accommodation is well maintained and upgraded. It would also be appropriate to increase available support, enabling elderly people to enjoy a good quality of life in their own homes for as long as possible. (93) <p><u>NHS Highland (411)</u></p> <ul style="list-style-type: none"> ▪ Agree that in some cases the private sector may be able to cater for an ageing population. However do not believe that community integration and the positive contribution of older people are emphasised sufficiently. (411) ▪ Suggest the document makes it clear that large scale care home developments would be entirely unacceptable. (411) <p><u>Helen Jenkins (527), Paul Jenkins (74), Mrs E Holland (153)</u></p> <p>Suggest that it is important to anticipate the effects of our ageing population on health provision:</p> <ul style="list-style-type: none"> ▪ not just more care in the home, but need to plan for more hospital places, more specialist medical practitioners, ▪ and other social and physical infrastructures required to support an older population. ▪ neither of these points were reported in Annex 2 and it follows that there is neither analysis nor a response by the Council ▪ Young people will continue to leave the Highland area in search of jobs and adventure. Older people will move in.(74, 527) <p><u>Julian Walford (155), Strutt & Parker for Balnagown Estate (229)</u></p> <ul style="list-style-type: none"> ▪ Fully support the need to cater for an ageing population, and the requirement for a 'true mix of housing types', in particular single storey houses of a range of sizes. Whilst appreciating that 'supplementary guidance' is to be issued, Policy 38 must be strengthened so that development has to include this mix (just as there is already a specific requirement for 'affordable housing'). ▪ The allocation of sites appropriate for the development of housing for an ageing population will emphasis the appropriateness of sites to developed specifically for this purpose. Sites are likely 		

to be allocated within urban areas close to facilities and services, and generally consist of brownfield opportunities. These sites would also be appropriate for housing generally and not in locations where a housing use would be inappropriate. Residential land values would apply regardless of the specific housing types.

Modifications sought by those submitting representations:

- Amend the policy to read “Where there is an identified need and a proposal lies within the area of search identified in the Supplementary Guidance the Council will presume in favour of development, unless material considerations indicate otherwise”. (229)
- The increase in the ageing population requires additional social and medical services. (153)
- Prepare Supplementary Guidance incorporating a broad area of search based on need and proximity to facilities and services. (229)
- Existing sheltered housing should be well-maintained and upgraded. Increase the available support to enable elderly to enjoy a good quality of life in their own homes for as long as possible. (93)
- Incorporate a more explicit requirement to support community integration across age and social groupings. (411)
- Make statement in para 19.11.4 to make clear large size/scale care home development would be entirely unacceptable. (411)

Summary of responses (including reasons) by planning authority:

Various

- The Planning remit does not extend to the delivery of social services but the Council more widely continues to work with the NHS to deliver a service that assists the elderly in the types of care and support available to meet their needs and have delivered a Joint Community Care Plan that deals with issues outwith the scope of Planning legislation and this consultation. (74, 93, 527)
- References to provision of social infrastructure is more correctly dealt with by the Council’s Social Work Services. Issues relating to provision of hospital facilities are addressed by NHS Highland, however, an ongoing dialogue between the Council and the NHS serves as a forum to raise common issues. (74, 93, 527)
- Demographics indicate that the majority of immigrants are of a working age and not retirees. In addition the policies supporting the relocation of Inverness College and campus for the University of the Highlands and Islands will increase the attraction of the area for younger people.

NHS (411)

- The supporting text to the policy indicates that outcomes of policy application should lead to the ability of the older population to live longer in their community and that new development aimed specifically at this sector should aim to be integrated in the community. (411)
- The policy as stated seeks to identify sites appropriate for the accommodation of an ageing population, this does not support nor preclude the potential directly for the provision of care home development. (411)
- There are sectors of the population, across the board, that will require specialist accommodation beyond that which can be accommodated within the wider community. The potential for the development of such facilities should not be excluded, but observe the comment that the scale of homes should be appropriate to meet local needs. (411)
- The supporting text, (para. 19.11.4) indicates that proposals for care home provision will be assessed in consultation with Social Work Services and the NHS. It is considered appropriate to indicate that the scale of proposal should be appropriate to meet local needs. (411)

Julian Walford (155), Strutt and Parker for Balnagown Estate (229)

- The preparation of Supplementary Guidance will provide be able to provide guidance on where the Council would expect to see sites specifically allocetd to meet a defined need and also

where developers will be required to meet an identified housing need for older people through the provision of a mix of house types. Unlike the affordable housing issue there is no specific national guidance that would inform and support a benchmark approach.

- The identification of appropriate sites will form part of the general development factors relating to allocated land. Sites for such development will mainly be urban in nature and generally involve brownfield sites, with consequent costs required for redevelopment and potentially lower valuation. These allocations would indicate residential use as appropriate for the site with an emphasis on the particular suitability for accommodation for an ageing population. The Council would expect a general residential valuation that would therefore apply to these sites.

Any further plan changes commended by the planning authority:

- Add sentence to end of paragraph 19.11.4 to provide more guidance regarding scale of care homes, to read:

“Proposals for new care home facilities should be of a scale that is appropriate to meet local needs.”

Reporter’s conclusions:

1. The content of paragraph 19.11.3 is criticised on the basis that it does not give sufficient emphasis to community integration (representation 411). The sentence in question has a wording that is not entirely clear. Rewording would adequately address the concern that has been raised.
2. It is submitted that, in paragraph 19.11.4, the plan should say explicitly that large-size or large-scale care home developments would be entirely unacceptable (representation 411). In its response, the Council has suggested an additional sentence, in which reference is made to meeting local needs. I find that this is an acceptable response regarding a matter to which there is important input from other agencies, for example Social Care and Social Work Improvement Scotland.
3. It is contended that, rather than specific sites, policy 38 should support identification of broad areas of search based on identified need. Identifying specific sites may inflate land prices and restrict delivery (representation 229).
4. I note that policy 38 begins “Where a need is identified.....” The supporting text in paragraphs 19.11.1 to 19.11.4 makes no reference to how and by whom such need would be identified. The text of the policy itself suggests that identification of a need might be something that emerges during preparation of the area local development plans. This being so, the question of whether it would be appropriate to allocate a specific site for accommodation for older persons would be open to consideration during preparation of the area local development plan.
5. I see no reason in principle why a plan should not identify one or more specific sites for development for accommodation for older people. Sites for this purpose require special attributes, such as particularly easy access to local shops, medical services, public transport and other community facilities. Sites of this kind will be fewer in number than sites for general residential development. Once such a site is found, and need has been established, reserving it for older persons’ accommodation would safeguard it from being used for general residential development. This would be appropriate to ensure that there is proper provision for older people.
6. On the basis that the Highland-wide Local Development Plan, in accordance with national policy, provides for a generous supply of land for housing, I do not accept that reserving some, probably quite small, proportion of the housing land supply for accommodation for older people would inflate land prices and restrict delivery.
7. Policy 38 refers to an intention to produce supplementary guidance. I am asked to consider whether the plan makes sufficiently clear the objective on which such guidance would be based

(representation 324). I note that Circular 1/2009: *Development Planning* indicates that a local development plan should contain an appropriate context for any supplementary guidance that is to be prepared. It appears to me that policy 38 should include the main principles of the proposed guidance. In response to a request from me, the Council has supplied text that sets out these principles. To give clarity to the plan and to accord with the circular, I find that this text should be added to policy 38.

8. It is contended that policy 38 must be strengthened so that residential development must include a true mix of housing types, including single-storey houses with a range of sizes (representation 155). Evidence has not been produced to demonstrate that recent housing development or the housing stock as a whole has an inadequate proportion of dwellings suitable for occupation by older people. In addition, the proposed supplementary guidance should help to ensure an appropriate mix of housing types in future residential developments.

9. Other representations are concerned about the adequacy of health and medical services. I find these matters are chiefly for the agencies that provide and oversee such services. The representations do not identify any aspects of the proposed Highland-wide Local Development Plan that would hinder provision of such services or that would not give health-related development suitable support. In these circumstances, no alteration to the plan is necessary.

10. One submission (representation 93) makes reference to lack of sheltered housing in Kingussie. Need to reserve land for sheltered housing development in Kingussie is a matter that could be addressed during preparation of the area local development plan.

Reporter's recommendations:

I recommend the following modifications:

1. In paragraph 19.11.3, delete the second sentence ("These communities.....older community.") and put:

Development of supported communities should facilitate integration with the wider community. To this end, sites for such development should be within easy walking distance of local services.

2. At the end of paragraph 19.11.4, add the following sentence:

Proposals for new care home facilities should be of a scale that is appropriate to meet local needs.

3. At the end of policy 38, add the following text:

The main principles of the Accommodation for an Ageing Population: Supplementary Guidance will be to:

- consider the current and future housing requirements for older people;
- clarify the main issues in the delivery of appropriately located and designed housing;
- seek the delivery of housing suitable to meet lifetime needs;
- recognise the characteristics of housing for older people; and
- identify the role and requirement for specialist accommodation.

Issue 39	New Settlements	
Development plan reference:	Policy 37 (Para 19.14, Page 87)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Fortrose & Rosemarkie Community Council (203) C Stafford (272) Scottish Environment Protection Agency (SEPA) (326) M Gilvray (453)</p>		
Provision of the development plan to which the issue relates:	New Settlements	
Planning authority's summary of the representation(s):		
<p><u>M Gilvray (453)</u></p> <ul style="list-style-type: none"> • The policy does not address question of what proportion of existing permissions meet this policy. It is also difficult to see how the A96 Corridor strategy complies fully with this policy. (453) <p><u>Fortrose and Rosemarkie Community Council (203)</u></p> <ul style="list-style-type: none"> ▪ The Policy indicates that the purpose of a new settlement is to meet an established housing need and to provide housing market choice. The scale of the development would have to be decided at the local planning stage. The two proposals for the A96 corridor potentially absorb almost one third of the assessed population growth for Highland. The wider impact of new settlements on neighbouring communities, possibly unbalancing the underlying settlement hierarchy, should be assessed. (203) ▪ The Policy offers no safeguard against developers' interests on building on prime agricultural land as indicated in Scottish Planning Policy (SPP). Development on prime agricultural land shall not be permitted, except when it is an essential component of the settlement strategy. (203) ▪ It is significant that a very high proportion of the sites scheduled for development under the current local plans were greenfield and many of prime agricultural quality. A precedent that should not be followed when siting a new settlement or determining a Settlement Development Area under Policy 35. This community recommends that Policy 39 is rewritten to ensure that loss of prime agricultural land is minimised. (203) <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> ▪ Object to this policy unless this policy is expanded to make specific reference to the requirement for proposals for the development of new settlements to be assessed for Flood Risk and River Basin Management Planning or be clearly cross referenced to Policy 64 Water Environment and Policy 65, Flood Risk, in order to meet the requirements of the Water Framework Directive (200/60/EC). (326) ▪ Recommend that waste management facilities should be included in the fifth bullet point of the policy: "Adequate new/improved infrastructure is proposed (such as waste water infrastructure, and waste infrastructure) and..." (326) <p><u>C Stafford (272)</u></p> <p>Takes issue with and object to Policy 39 'New Settlements' as it is presented on the grounds that:</p> <ul style="list-style-type: none"> ▪ This policy omits to provide any clue as to the scale of development that may be proposed; 		

- The policy does not include a list of the HwLDP policies with which it is absolutely necessary that a new settlement should accord. For example " ... should comply with HwLDP policies 29 through 33;
- Policy 39 fails to call out the relative scarcity of prime agricultural land in the Highland Council area and fails to recognise the tension between development interests desire to build new settlements on greenfield sites in highly marketable locations (locations which may include significant amounts of prime land and for which developers may argue that use of this land is an essential part of the strategy) and the need to minimise the loss of prime land;
- The policy statement does not require that new settlements offer a choice to the housing market and fails to offer examples of what this choice should be;
- The Policy fails to give guidance as to which areas must be specifically avoided when considering the construction of a new settlement. (272)

Modifications sought by those submitting representations:

Policy 39 needs to be rewritten to ensure that loss of prime agricultural land is minimised.(203)

Action sought:

- Policy 39 must be amended to include specific details of the scale of development likely to be supported (for example, as presented in the currently approved Highland Structure Plan - see point 3 below. (272)
- Policy 39 should include a list of HwLDP policies with which new settlements should accord. The Policy fails to give guidance as to which areas must be specifically avoided. (See point 6 below) (272)
- Policy 39 should state the requirement for new settlements to offer a choice to the housing market and offer examples of what this choice should be. (272)
- Policy 39 should take a more strategic approach (in line with SPP) to ensuring that the development of new towns across Highland does not become a way of indiscriminately gaining access to (possibly highly desirable coastal) greenfield sites consisting of large quantities of prime land - Given that once a site becomes subject to an application for planning permission, applications are dealt with on an individual basis. (272)
- The Local Authority should state that it will identify via the area maps, using the Macauley Institute Soil Survey of Scotland Agricultural Capacity Maps, where conflicts are likely to occur between the need to support developments to provide economic growth (also the need to provide affordable housing) and the need to protect prime land. This should ensure that a decent balance is struck between the needs of communities for work and affordable housing and the need to secure the diminishing asset that is prime agricultural land. (272)

Summary of responses (including reasons) by planning authority:

M Gilvray (453)

Proposals at Tornagrain relate directly to the provisions of this policy and the Plan identifies through the policy criteria to be met in order to sustain proposals for a new settlement.

Fortrose and Rosemarkie Community Council (203)

The policy identifies factors for consideration in the appraisal of a new settlement. These are aimed at delivering a balanced proposal in response to identified future housing need. As stated within the policy any proposal of this nature should be brought through the development plan process giving opportunity for a wide ranging assessment of any proposal.

The policy wording of the New Settlements policy already states that there is a need to accord with other policies of the Plan, additionally specific reference to the need to comply with other relevant policies in the plan was sought. However, the General Policies section of the Plan makes it clear that,(para 18.2) "...that each planning application will be assessed against all policies and legislation to the particular proposal...".

The impact of development on prime agricultural land is a key consideration within *Policy 29 Sustainable Design*; also the Section on *Crofting and Agriculture* at paragraph 20.15.2 the text indicates “Agricultural land will be protected in line with Scottish Planning Policy”.

When defining a new SDA boundary the consideration are outlined in supporting text;

Paragraph 19.5.1 states;

“When defining SDAs we have taken account of a number of things, including:

- the quality of neighbouring croft or agricultural land;
- the type of land;
- the ability of the landscape to allow for development.....;

Policy 35 further cross-refers to the requirements of Policy 29 whilst also referring to the consideration of existing adjacent uses. Policy 35 concludes that developments judged significantly detrimental against the criteria shall not accord with the Development Plan.

SEPA (326)

SEPA seek the inclusion of a specific cross-reference to Water Environment and Flood Risk policies, this would, however, potentially lead applicants to consider that these may be the only relevant policies. Additionally specific reference to the need to comply with other relevant policies in the plan was sought. However, the General Policies section of the Plan makes it clear that, (para 18.2) “...that each planning application will be assessed against all policies and legislation to the particular proposal...” .

The Council accept the minor change of the inclusion of the reference to waste infrastructure.

C Stafford (272)

It is acknowledged that an indication should be given as to the scale of development required to support the development of a new settlement and provide all the necessary supporting infrastructure and services.

The policy already states that there is a need to accord with other policies of the Plan, additionally specific reference to the need to comply with other relevant policies in the plan was sought. However, the General Policies section of the Plan makes it clear that, (para 18.2) “...that each planning application will be assessed against all policies and legislation to the particular proposal...” .

The impact of development on prime agricultural land is a key consideration within *Policy 29 Sustainable Design*; also the Section on *Crofting and Agriculture* at paragraph 20.15.2 the text indicates “Agricultural land will be protected in line with Scottish Planning Policy”.

Bullet point 4 indicates that proposals will be assessed as to whether they must contain “a diverse mix of housing tenure...”

In relation to what “*must be specifically avoided*” any proposal for a new settlement is required to observe the provisions of the General Policies section, Policies 29 to 79 inclusive.

Any further plan changes commended by the planning authority:

- Amend Policy 39 to read in the fifth bullet point of the policy: “Adequate new/improved infrastructure is proposed (such as waste water infrastructure, and waste infrastructure) and...” (326)
- Insert in supporting text paragraph 19.13.2 before last sentence;
- “It is anticipated that in order to support the types of services associated with a new settlement it would require to comprise in the order of 500 to 1,000 houses.”

Reporter's conclusions:*Consistency with A96 corridor strategy*

1. Representation 453 says that it is difficult to see how the A96 corridor strategy complies fully with Policy 39. The representation does not specify which aspects of the strategy appear to be inconsistent with the policy.
2. In the supporting text for Policy 39, I note that paragraph 19.13.1 refers to a new settlement at Tornagrain. Tornagrain is part of the Council's strategy for the A96 corridor. I see no inconsistency between Tornagrain and Policy 39.
3. The concern may relate to the last sentence of the policy. The fact that Tornagrain is brought forward in the proposed *Highland-wide Local Development Plan*, rather than through the area local development plan process, is a consequence of the hybrid nature of the proposed plan.
4. I note from paragraph 19.13.2 that factors justifying a new settlement include need for housing in an area where such need cannot be met by settlement expansion. The new settlement would thus be meeting essentially local needs, needs which normally would be met by settlement expansion. In these circumstances, there should be little, if any, conflict with the aim of encouraging growth in the A96 corridor.
5. From the foregoing considerations, I conclude that there is no inconsistency between Policy 39 and the A96 corridor strategy.

Settlement hierarchy

6. Representation 203 says that the wider impact of new settlements on neighbouring communities, possibly unbalancing the underlying settlement hierarchy, should be assessed.
7. In its response, the Council draws attention to the last sentence of Policy 39. This says that the detail of any proposal for a new settlement should be brought forward through the area local development plan process.
8. The requirement that any new settlement be identified in the development plan would give opportunity for full assessment of all issues, including any effects on neighbouring communities and the settlement hierarchy. For this reason, I conclude that the plan need not be altered in response to this aspect of representation 203.

Agricultural land

9. Representation 203 says that Policy 39 offers no safeguard against building on prime agricultural land. Pressure to build on prime land can only be detrimental to farming. Farming should be a core element of the Highland economy. Policy 39 should be rewritten to ensure that loss of prime agricultural land is minimised.
10. Representation 272 says that Policy 39 fails to acknowledge the relative scarcity of prime agricultural land. It also fails to acknowledge the conflict between developer desire to use greenfield sites in highly-marketable locations and the need to minimise loss of prime land. Policy 39 should be more strategic to ensure protection of prime land. Maps should be prepared to identify the location of prime land.
11. In response, the Council says that Policy 39 states that there is a need to accord with other policies of the plan. The Council draws attention to paragraph 18.2, which states that planning applications will be assessed against all relevant policies. Impact on prime quality land is a key consideration in Policy 29. Paragraph 20.15.2 of the plan indicates that agricultural land will be protected in line with *Scottish Planning Policy*.
12. I note that Policy 29 says that proposed developments will, among other things, be assessed on the extent to which they impact on prime-quality agricultural land. I find that this adequately

addresses the concerns in the representations. My conclusion is that the plan need not be altered in response to the representations.

Water environment and flood risk

13. Representation 326 seeks specific reference to flood risk assessment and river basin management planning. Alternatively, there should be clear cross-reference to policies 64 and 65. In response, the Council says that all policies apply by virtue of paragraph 18.2. Drawing attention to two particular policies could be misleading.

14. In addition to the effect of paragraph 18.2, I note that Policy 39 itself refers to proposals that “accord with the policies of this Plan.” I conclude that there is no need to make particular reference to two of these policies and that the plan need not be altered in response to this aspect of the representation.

Waste infrastructure

15. Representation 326 suggests that Policy 39 should include reference to waste infrastructure. The Council accepts this suggestion.

16. I find that the suggested change would add some clarity, and I conclude that the plan should be altered accordingly.

Scale of development

17. Representation 272 says that Policy 39 must include specific details of the scale of development likely to be supported. This is done in the present approved structure plan. The Council agrees that an indication of scale should be given. It suggests that this be done by means of an addition to the supporting text.

18. I note that *The Highland Structure Plan Written Statement* includes a policy on new settlements (page 29, Policy H2), and that supporting text (paragraph 2.2.7) says:

“It is anticipated that in order to support the types of services associated with a local centre.....a new settlement would require to comprise in the order of 500 to 1,000 houses.”

This wording is similar to that put forward by the Council for inclusion in the supporting text for Policy 39.

19. My conclusion is that the scale of development envisaged for any new settlement is an important aspect of the policy, and that the plan should be altered along the lines suggested by the Council.

Application of other policies

20. Representation 272 says that Policy 39 should include a list of other policies with which new settlements should accord. In its response, the Council refers to the wording of the policy and to paragraph 18.2.

21. As already noted, by virtue of paragraph 18.2, all relevant policies are to apply to each planning application. In addition, Policy 39 itself refers to proposals that “accord with the policies of this Plan.” My conclusion is that this adequately addresses the concern that has been expressed.

Housing choice

22. Representation 272 says that Policy 39 should set out a requirement for new settlements to offer a choice to the housing market. In response, the Council refers to the second bullet point in Policy 39.

23. I note that, in terms of the second bullet point, proposals will be assessed as to whether a diverse mix of housing tenure is proposed. I find that choice is provided not only by diversity of tenure but also by diversity of dwelling size. My conclusion is that, if the second bullet point were to include reference to dwelling size, the concern in the representation would be adequately met.

Reporter's recommendations:

I recommend the following modifications:

1. In paragraph 19.13.2, before the last sentence insert:

To support the types of services that should be provided as part of a new settlement, it is anticipated that any individual new settlement would include a residential component in the order of 500 to 1,000 dwellings.

2. Delete the second bullet point of Policy 39 and put instead:

“A diverse mix of dwellings in terms of tenure and size is proposed;”

3. In the fifth bullet point in Policy 39, alter the parenthesis so that it reads:

“(such as waste water infrastructure and waste infrastructure)”

Issue 40	Gypsies/Travellers	
Development plan reference:	Policy 40 (Para 19.16, Page 88)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
John Waring (250) Eveline Waring (253) Nigg & Shandwick Community Council (254)		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • Welcome powers allowing the Police to evict gypsy/travellers from unauthorised encampments (250). • Permanent pitches should be selected taking into account local wishes and be subject to the same rules and regulations as Council tenants (250). • Any sites allocated should be fully consulted with the community where the site is to be situated and it must be stated these are not permanent residential sites under any circumstances. (253, 254) • There should be strict controls as to the upkeep of these sites by those using them and the site should be left in satisfactorily state when they leave. Should this not be adhered to, the police should have the power to evacuate or fine them (254) 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Stronger suggestion for further emphasis on public consultation • Emphasis that site provision should not become permanent residential provision • Increased Police Powers • Powers to evict gypsies/travellers from unauthorised encampments • Strict controls for the upkeep of sites 		
Summary of responses (including reasons) by planning authority:		
<p><u>Community Consultation</u></p> <ul style="list-style-type: none"> • We understand the importance of consultation and as such the introductory paragraph to the policy states that: • <p><i>“The policy aims to set a framework for the identification of suitable sites the detail of which will be followed through via the area local development plan process. This will ensure thorough consultation and provide greater certainty to gypsies/travellers and settled communities.”</i></p> <p>The council does not intend to add in further emphasis on community consultation within the policy.</p> <p><u>Permanent and Temporary Pitch Provision</u></p> <ul style="list-style-type: none"> • With regard to the emphasis of permanent provision – as set out in the policy for temporary encampments (authorised halting or stopping spaces) <i>“it must be demonstrated that there is a mechanism in place to avoid this turning into permanent provision.”</i> Concerning reference to the council owned sites, gypsies/travellers can stay for as long as the appropriate rent is being paid for their pitch as set out in the paragraph on upkeep of sites and charges below. 		

Police Powers

- The desire for increased police powers is outwith the remit of the HWLDP.

Unauthorised Encampments

- Many Gypsies/Travellers will travel for part of the year and are otherwise settled on permanent sites or in houses. There may be a small group of Gypsies/Travellers who travel all year round. Unauthorised camping can therefore occur when households have a form of permanent housing provision available to them. The issue of management of unauthorised encampments is out with the scope of the Development Plan. It is dealt with through The Highland Council Policy on Managing Unauthorised Camping, the revised and updated protocol of which was approved by the Housing and Social Work Committee in May 2010. For more information - Travellers and authorised camping.

Upkeep of Sites and Charges

- For those staying on Council owned sites charges are applied for rent and council tax. For permanent provision there are residential contracts with ensure security of tenure. The management and maintenance of permanent sites is undertaken by the Housing and Property Service on behalf of The Highland Council. Management procedures are also in place for unauthorised encampments; this includes the upkeep of sites during and after departure. With regard to the upkeep of unauthorised encampments - the procedures that are followed can be found in the previously mentioned Highland Council Policy on Managing Unauthorised Camping section 10. More information can be found through – Travellers and authorised camping.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

1. The first concern in the representations is need for consultation with the local community. I note that paragraph 19.15.2 says that policy 40 aims to set a framework for identification of sites as part of the area local development plan process. It goes on to say that this will ensure thorough consultation. I find that the plan preparation process does make adequate provision for participation by all with an interest.
2. Other concerns are that sites in use by gypsies and travellers should be kept in a satisfactory state and should not be permitted to become permanent residential sites. These concerns relate to matters that are capable of being addressed by conditions imposed on any planning permission for a new site. In addition, the last paragraph of policy 40 looks for a mechanism to avoid permanent occupation of sites intended for temporary encampments.
3. My conclusion is that there is no need to alter the plan in response to the representations.

Reporter’s recommendation:

I recommend no modification.

Issue 41	Retail Development	
Development plan reference:	Policy 41, (Para 20.2, Page 89)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Mrs Annie Stewart (172) The Theatres Trust (187) CB Richard Ellis for Grosvenor Eastgate Unit Trust (193) Pritchett Planning for Scottish Widows Investment Partnership Property Trust (SWIP) (228) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Drivers Jonas Deloitte for Asda (242) Inverness Business Improvement District (BID) (251) Turley Associates for Sainsbury's Supermarkets Ltd (267) Scottish Property Federation (291) Scottish Government (324) Burnetts for Hercules Unit Trust (409) Miller Developments (426) G L Hearn for Co-operative Group (444) Scottish Association for Public Transport (446) Invergordon Community Council (497) Tesco Stores Limited (520),</p>		
Provision of the development plan to which the issue relates:	Retail Development	
Planning authority's summary of the representation(s):		
<p><u>CB Richard Ellis Ltd (193)</u></p> <ul style="list-style-type: none"> Welcome this policy as it fully supports the location of the city centre as the main location for retail development, mirroring national planning policy/guidelines in terms of the sequential approach to new retail development. <p><u>Strutt & Parker for Balnagown Estate) (229)</u></p> <ul style="list-style-type: none"> Broadly supports the policy but object to the absence of any reference to the expansion of existing facilities (within or outwith settlements). Object to the absence in part 3 of the policy to destination retailing where the location out of town might justify the location. Policy should be amended to support the expansion of existing facilities and where new facilities are appropriate the policy should apply. Part 3 should be amended to include a final bullet point "where a satisfactory locational justification can be provided to set aside the above criteria and compliance with other elements of the plan can be demonstrated to the satisfaction of the Council". <p><u>Drivers Jonas Deloitte for Asda (242)</u></p> <ul style="list-style-type: none"> The Proposed Plan should provide guidance in terms of the network of centres and identified deficiencies in retail facilities, should include site in Tain that the Council are minded to approve. <p><u>The Theatres Trust (187)</u></p> <ul style="list-style-type: none"> The document has no guidance for the protection of existing or future development of the Highland's stock of cultural and social facilities. To be consistent with SPP it should aim to recognise the key role played by leisure and cultural facilities in contributing towards creating vital and vibrant town centres. The aim should be to ensure that there is a dynamic and healthy retail economy and that your town centres are the focus for a range of services. A policy for town centres (or within Inverness and Thurso) should recognise your cultural 		

facilities and propose to protect and enhance existing. It is noted that public art appears in the section on Developer Contributions but there is no guidance for the provision of public art in any general or town specific policy.

Scottish Property Federation (291), Tesco Stores Limited (520), Turley Associates for Sainsbury's Supermarkets Ltd. (267)

- The Plan provides no indication of the network of centres which does not accord with SPP 2010 (para 53) – it is assumed that these centres will be allocated in future LDPs but the text makes no reference to this. Similarly there is no mention of Commercial Centres.

Scottish Property Federation (291)

- While enhancing town centre is a priority we feel the Council should retain a flexible approach to consider needs, requirements and proposals on their own merit. The development of new housing can often mean that an edge of centre retail development is simply more appropriate to both the needs of the specific community and in terms of accessibility and limiting travel to work or shop demand.
- Suggest that the supply of strategic business and industrial sites is regularly reviewed to ensure the sites are effective and in line with market requirements. The flexibility of considering additional allocations where there is evident demand and a location requirement is also advocated. We would caution against allocating an excessive oversupply of business land as this can depress land values and lead to developments becoming unviable.

Mrs Annie Stewart (172)

- Welcome the tone of this vision but wait to see what new industry and commerce will be attracted to the area. Tourists not only need places to stay but they need good transport links and good facilities – where is the planned development of these? (cross-referenced to Tourism policy 44)

G L Hearn for Co-operative Group (444)

- The requirement in Part 1 i) that a proposal 'adds to the economic vitality and viability of that city/town/village centre' runs contrary to the SPP which (at para 63) states that town centre uses proposed for a town centre will not require an assessment of their impact on the viability of similar uses. This requirement should be deleted.
- The requirement in Part 1 ii) that a proposal should 'consolidate the traditional high street found within centres in terms of visual impact and built form' is significantly ambiguous, and we cannot see how these criteria can be meaningfully implemented given the varying nature of town centres. We fail to see the benefits of forcing proposals to conform to some perceived ideal of a 'traditional high street'. It would also constrain retailers' ability to be flexible in terms of their formats, which may discourage innovation and potentially restrict investment in the Highland economy. Indeed, matters relating to design and built form are covered in Policies 29 and 30, and these offer the Council sufficient control over such matters and thus Part 1 ii) is superfluous.
- Part 1 ii) also makes no distinction between city, town and village centres and their role in the hierarchy of centres which, although set out in the Proposals Map, does not appear to have any corresponding text or policies within the Proposed Plan. The policy should clarify the hierarchy and confirm that proposals should be commensurate with the centre's position within the hierarchy, taking into account its role and function. This would avoid inappropriate competition between centres and ensure that smaller centres are offered protection from developments in larger towns which might impact on the viability of the smaller centres.

Turley Associates for Sainsbury's Supermarkets Ltd. (267)

- The plan should carry out an assessment of retail deficiencies in shopping provision and allocate land to remedy this.
- Policy should include a criterion dealing with the consideration of retail deficiencies in an area and how new developments can remedy this deficiency.
- Policy fails to allow consideration of availability of alternative sites and not just its suitability.
- Requirement for in centre retail developments is contrary to national policy.

Miller Developments (426)

- Fully support the approach regarding the sequential test but suggest wording of Policy should be altered to cover the role that 'District Centres' play within the Highland's larger settlements. Whilst not 'town centre' locations in themselves, such centres nevertheless are normally a focus for a range of retail, leisure and community uses, and perform an important function within the local retail hierarchy. Para 53 of SPP states that development plans should identify a network of centres within which individual centres will support and be supported by other centres.
- It is our view that District Centres are an important part of the Highlands' network and their multi-faceted role should place them above purely commercial centres in the sequential approach. The existing wording of the Policy does not appear to allow this, instead placing District Centres into the lowest category of 'out of centre' locations by default.

Scottish Association for Public Transport (446)

- Strongly agree that retail developments should be in or near town centres. This was written in response to question 17 of Main Issues Report rather than the Proposed Plan but was submitted as a representation to the proposed plan.

Scottish Government (324)

- [Scottish Planning Policy](#) (SPP) indicates that development plans should identify a network of centres, and explain the role of each centre in the network. Paragraph 20.1 of the Plan acknowledges this, and refers to the settlement hierarchy in the proposals map. But Policy 41 uses different terminology (city/town/village) from the proposals map (regional/sub-regional/local centres) and does not specify which types or scales of retail development will be appropriate to each.
- We recommend that the Plan is amended to address this inconsistent terminology. If the intention is indeed to have a hierarchy of settlements relevant to retail development expressed in this plan, then the types and/or scales of retail development considered appropriate to each should be stated. It would also add clarity were this plan to confirm in which other plans or documents the boundaries of these centres are delineated, including any commercial centres (such as retail parks) if appropriate.
- SPP states (paragraph 55) that where a proposal supports a centre's role and function, as expressed in the development plan, there is no requirement to provide a detailed assessment of need. It also states (paragraph 63) that where development for town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses in that centre will not be unnecessary. We are therefore not convinced of the need or desirability of the proposed test at 1(i) of Policy 41.
- We recommend that this test is re-worded to require that retail development is of an appropriate type and/or scale (and what this would be would need to be set out in the policy or elsewhere) to the role of the centre in which it is proposed in the settlement hierarchy, and would not threaten the viability and vitality of other centres within the network. This should also apply to part 2 of the policy dealing with edge of centre sites.
- Test 1(ii) would benefit from greater clarity. If it is intended that this is to relate to the retail impact on neighbouring properties (for example due to greater competition) then the test should be removed. Development plan policies should deal with the viability and vitality of retail centres and not, normally, with individual retail operators within them. If the intention is that it is to relate to impacts such as on amenity or as a result of congestion then this should be stated, although we question the need as such impacts are given consideration by means of other policies in the plan.
- Tests 2(ii) and 3(ii) should be amended to require consideration of impacts on 'any' rather than 'the' centre.
- Finally, Policy 54 provides a detailed policy approach to retail proposals and, even if amended as we recommend, will not be wholly consistent with Scottish Planning Policy on retail development. We therefore recommend that, in the interests of clarity, the requirement that all development must also meet the requirements of Scottish Planning Policy be removed.

Inverness BID (251)

- BID supports the hierarchical approach to retail development as set out in Policy 41. However we believe that:
 - a) In respect of "Retail Development Proposals" both for "edge of city/town/village centre locations" and for "out of town locations" there should be an in principle presumption against development unless the prospective developer can demonstrate clearly that there is no suitable site within the town/city/village centre, and
 - b) there is a requirement that the developer demonstrates clearly that there will be no detrimental impact on the vitality and viability of the city/town. This impact assessment would cover both the city/town as a whole and separately each relevant business sector. In addition BID would propose that under its policy the Highland Council is required to carry out adequate and comprehensive testing all impact submissions made by a developer. The Highland Council should also be required to use external experts to undertake such testing if such expertise is not available within the local authority.
- BID believes that this strengthening of the current policy is necessary to ensure that the principle of economic vitality and viability of city centres set by policy 41 can be effectively achieved.
- In BID's view there was an acceptance without testing of the impact assessment submitted by the developer in the recent Stratton Farm development proposal and a thus a failure by the Highland Council to adequately test that submission as a whole or its effect on each of the business sectors.

Pritchett Planning for Scottish Widows Investment (228)

- Paragraph 53 of the Scottish Government's Scottish Planning Policy states that '*Development plans should identify a network of centres, and explain the role of each centre in the network*', The LDP indicates a settlement hierarchy but has no indication of the network of centres within Inverness city. The LDP is inconsistent with previous development plan policies which cover the city in this regard and as the proposed plan emphasises the need to consolidate the city through the completion of long allocated development zones throughout the urban area, it is important that previous well established policies and zonings relating to a hierarchy of centres within the city continues to be adhered to. SWIP objects to policy 41 on the basis that it is not founded upon a proper assessment of a retail hierarchy in Inverness. The approach taken in the existing Inverness Local Plan sets out the hierarchy of centres across the city, including the allocation of District and Neighbourhood Centres. This should continue in this plan as it is on the basis of the existing plan that significant investment decisions have been taken. The LDP in its current form suggests that district centres as previously identified would now be out of centre locations with no policy protection or prioritisation for new commercial development. This requires to be rectified on the proposals map and in policy statements.

Invergordon Community Council (497)

- Invergordon Community Council would like to see town centre retail development in Invergordon in terms of an alternative supermarket.

Turley Associates for Sainsbury's Supermarkets Ltd (267)

- Retail Supplementary Guidance should be prepared to deliver a strategy which will enhance existing and encourage new retailing to address current and future retailing deficiencies.

Burnetts for Hercules Unit Trust (409)

- Subject to the change to the boundary of the retail allocation at Inverness Retail and Business Park being accepted, amend the policy so that in accordance with paragraph 38 of SPP 8 retail proposals which are on sites allocated for retail purposes (and therefore in accordance with the development plan and have been subject to full scrutiny through the development plan preparation process and Strategic Environmental Assessment) do not also have to undertake a sequential assessment and impact tests.

Modifications sought by those submitting representations:

- Include the words “The Council will support in principle the expansion of existing retail facilities (within or outwith settlements) New retail development proposals....” At the beginning of the policy to clarify it applies to new proposals. (229)
- Add final criteria to Part 3 “where a satisfactory locational justification can be provided to set aside the above criteria and compliance with other elements of the plan can be demonstrated to the satisfaction of the Council”. (229)

widen the definition in parts 1 & 2 to "*identified city/town/district/village centres*"; or

move 'out-of-centre locations' to a new part 4, and replacing it in part 3 with a new level as follows:

3. for district centres:

- i) where there are no suitable sites within the city/town/village centres or within edge of town centre locations in line with the sequential approach;*
- ii) where there would be no detrimental impact on the vitality and viability of the city/town/village centre; and*
- iii) where good active travel and public transport accessibility exists or can be secured.*

4. for out-of-centre locations:

- i) where there are no suitable sites within or on the edge of the city/town/village or district centres, in line with the sequential approach;*
 - ii) where there would be no detrimental impact on the vitality and viability of the city/town/village or district centre; and*
 - iii) where good active travel and public transport accessibility exists or can be secured.*
- (426)

- Amend policy to add underlined text, 2 for edge of city/town/village centre locations (other than those allocated for retail development in the plan), and add to 3 for out of centre locations (other than those allocated for retail development in the plan) (409)
- Prepare supplementary Guidance on retail development.
- Remove reference to SPP from policy.

Summary of responses (including reasons) by planning authority:Network of Centres

- The Council agrees that further work is required to the retail policy context to ensure compliance with Scottish Planning Policy. It is suggested that the Reporter may wish to commend one of two ways forward:
 - An appendix is added to the Local Development Plan which sets out the settlement hierarchy and the role that these centres will play in delivering retail facilities. A draft appendix has been prepared for consideration by the reporter and is submitted to the Examination.
 - Specific Supplementary Guidance on retailing could be prepared to provide further detail on the retail policy which clearly promotes the sequential approach. It is considered that if the Reporter was so minded, such a Supplementary Guidance document would be compliant with the terms of circular 1/2009 (i.e. it will provide further information in detail in respect of policies or proposals set out in the Local Development Plan).

Detailed boundaries of City/Town/Village/District/Commercial Centres

- The Plan's general Policy 41 Retail Development, sets a strategic retail hierarchy based on settlement size and function. However, at the sub-settlement scale (for example within the

City) it is not appropriate for a strategic policy document to detail the boundaries of the network of centres. The existing Local Plans already provides that successor documents, such as the Inner Moray Firth Local Development Plan, will provide an opportunity for a review of this network.

City/town/village Centre Development

- The Council accepts that where development for town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses in that centre will not be necessary. Whilst the Policy as currently drafted does not expressly refer to the need for an assessment to be carried out, it is accepted that there is scope for interpretation on that basis and the Council would welcome any modification suggested by the Reporter.

Policy 41 (Test 1(i))

It is accepted that this test is not required, given the whole range of policies set out in the rest of the Local Development Plan, and the detailed advice which is available in existing Local Plans and will be available in future Local Development Plans.

Invergordon

- Opportunities for town centre retailing in Invergordon will be dealt with in the preparation of the Inner Moray Firth local Development Plan.

Theatres Trust

- The role of the City and town centres for a wide range of uses is promoted within the text preceding Policy 41, in the text of the Plan relating to Inverness City Centre and in the suite of Local Plans that are currently in place across the area. No further change is recommended in respect of this point.

Inverness Retail and Business Park

- The issues in relation to Inverness Retail and Business Park have been covered in the Schedule 4 for Issue 11- Inverness Retail and Business Park.

Any further plan changes commended by the planning authority:

- Remove reference to SPP from the text of Policy 41, but insert reference to it in the supporting text to the Policy.
- Test 2(ii) and 3 (ii) should be amended to refer to “any” centre rather than “the” centre.
- The glossary should include definitions for Network of Centres, Commercial Centres and Sequential Approach.

Reporter’s conclusions:

Network of centres (228, 242, 267, 291,324, 426, 444, 520)

1. Scottish Planning Policy (SPP) states at paragraph 53 that development plans should identify a network of centres and explain the role of each centre in the network. Other than what is referred to as a settlement hierarchy in paragraph 20.1.2 of the proposed plan, there is nothing in the text to indicate how this has been arrived at. The council proposes two alternate methods for my consideration – an appendix identifying each settlement’s place in the hierarchy and the role of the centres, or the promise of supplementary guidance that will provide further detail.

2. Whilst supplementary guidance is used throughout much of the plan, in this case I consider it appropriate to give more detail in the plan itself, over and above a simply allocation on the proposals map. The Council has provided a draft appendix, which I consider a suitable base for including in the plan. This deals with the facilities relevant to the different levels of centre. The network of centres within Inverness is however a matter for the forthcoming Inner Moray Firth local development plan.

3. Representations refer to SPP’s description of centres as including town centres, commercial

centres and other local centres, stating that the plan should be modified to address the inconsistency with the latter's use of the terms regional centre, sub-regional centre and local centre. Whilst normally I would recommend the use of SPP terminology, paragraph 53 does state that it depends on circumstances, and I believe that those applicable to the Highlands merit in the alternative descriptions used by the Council.

4. This is because the terms used in SPP are more appropriate to generally much larger centres. In the Highland area no settlement other than Inverness, at over 40,000, has a population of more than 10,000, and most of the 'larger' towns are significantly less. In this situation terminology that is relevant to much larger settlements in the Central Belt, which can have networks of substantial centres within their boundaries, does not translate well to the Highlands. Even out of centre retail parks that would be potentially classed as commercial centres in SPP terms are so few in number that they can be named according to their activity, as outlined in SPP paragraph 54. I find no need to modify the plan in this regard.

5. It should be noted that under Issue 92 Nairn, it is represented that the town should be classified as a sub-regional rather than a local centre, as shown on the proposals map. The Council's response under that issue is to refer to Issue 41. In this regard, in response to a request for further information, the Council states: "The Council recognises the role of Nairn in the settlement hierarchy as a major contributor to the spatial strategy. Given recent and forthcoming developments in Nairn it is considered that Nairn meets the criteria of a sub-regional centre." I agree with this, note that it is classified as such in the draft appendix, and find that the proposals map should be modified accordingly.

Retail development policy (229, 324, 444)

6. As it is written in the proposed plan Policy 1. i) has the effect of introducing a viability test for retail proposals within identified city, town or village centres. Paragraph 63 of SPP states however that where development of town centre uses is proposed within a town centre, assessment of its impact on the viability of similar uses within that centre will not be necessary. The Council has accepted that the policy is not required, and I find it should be deleted. If this is done there is no need to consider rewording the policy as suggested by the Council.

7. Sub-section 1 ii) should be renumbered i), and I am sympathetic to the concern that as written it is somewhat ambiguous. I accept the Council's aim, as I understand it, of seeking to ensure the built quality of town and other centres is maintained, but in general this is dealt with fully under Issues 29 and 30, Sustainable Design and Design Quality and Place Making respectively. That said I believe it is important that a statement is made under this policy and I have proposed an alternative wording.

Other matters (172, 187, 193, 229, 251, 267, 291, 409, 446, 497)

8. A number of representations provide general support for the policy, but this does not form part of my remit.

9. I do not accept that the exclusion of a specific reference to expanding existing facilities means that it is not covered by the policy, as 'retail development proposals' would cover the whole range of developments. Development proposals outside centre locations would be covered by sub-section 3 of the policy. Specific development proposals could be considered under the forthcoming area local development plans. This would also include specific sites within centres, such as Tain or Invergordon, and the identification of any retail deficiencies. No modification is needed.

10. I accept the Council's view that the preamble to the policy sets out the importance of town centres for social and cultural roles, and do not believe any modification is needed in this regard.

11. The supply of strategic business and industrial land is considered under Policy 42 Business and Industrial Land, and does not need further consideration in Policy 41.

12. I note there is potential conflict between Policy 41 and SPP, even when modified as proposed. I accept therefor the specific reference to compliance with SPP should be removed. In

any event this should not require specific mention given the importance of SPP in considering any development proposals.

13. References to the expertise available within Councils are not a matter for the local development plan. Procedures followed in considering past developments are also not relevant.

14. I have considered all other points raised, but found none that justifies any further modification to the plan.

Reporter's recommendations:

I propose the following modifications:

1. Insert a new appendix section named "Settlement Hierarchy", based on the draft set out below at the end of these recommendations.

2. On the proposals map, change the settlement hierarchy classification of Nairn from "Local Centre" to "Sub-regional Centre".

3. Delete sub-section 1. i) in Paragraph 20.2.1.

4. Delete sub-section 1. ii) in Paragraph 20.2.1.

5. Insert a new sub-paragraph 1. i) in paragraph 20.2.1 to read as follows:

Proposals should aim to maintain or enhance the quality of existing centres, taking into account Policies 29 and 30. Within that policy framework new development should seek to consolidate traditional high streets, respecting visual impact and built form, and any settlement statement and *supplementary guidance* relating to that settlement.

6. At the end of the policy, delete the sentence referring to *Scottish Planning Policy*.

1. Appendix 6.2 Settlement Hierarchy

Regional Centre Functions

	Inverness
3G Mobile Phone Network Availability	X
Airport with European Connections	X
Archive Centre	X
Arts and Culture Facilities	X
Broadband Provision	X
Conference Facilities	X
Connections to Long Distance Footpaths/Cycle Routes	X
Direct access to road based transport connections linking to the rest of the UK	X
Higher/Further Education Facilities	X
Hospital with Accident and Emergency Department	X
Large Scale Industry	X
Library	X
Main Post Office	X
Major Food Superstore (over 2,500m ²)	X
Multi-Screen Cinema	X
Museum	X
Park and Ride Facilities	X
Public Transport Interchange	
Regional Scale Sports Facilities	X
Regional Tourism Gateway	X
Specialist Comparison Retailing	X
Specialist Office Accommodation	X
Strategic Open Spaces	X

Sub-Regional Centre Functions

	South East Ross	North East Caithness	Skye	South West Highland	South East Sutherland	Nairn
3G Mobile Phone Network Availability						X
Air Connections		X		X		
Arts and Culture Facilities	X	X	X	X	X	X
Broadband Provision	X	X	X	X	X	X
Connections to Long Distance Footpaths/Cycle Routes	X	X	X	X	X	X
Direct access to road based transport connections linking to the rest of the UK	X	X	X	X	X	X
Food Superstore (less than 2,000m ²)	X	X	X	X	X	X
General Hospital	X	X		X	X	X
Higher/Further Education Centre	X	X	X	X	X	
Library	X	X	X	X	X	X
Medium-Large sized Industrial area	X	X	X	X	X	X
Non-Food and Bulk Goods Retail	X			X		X
Office Accommodation	X	X	X	X	X	X
Post Office	X	X	X	X	X	X
Public transport Linkages to Regional Centre	X	X	X	X	X	X
Sports Facilities	X	X	X	X	X	X
Strategic Open Spaces	X	X		X	X	X
Tourist Information Centre	X	X	X	X	X	X
Train Station	X	X		X	X	X

Sub-Regional Centres may be groups of settlements which have similar characteristics and compliment each other and are within a reasonable distance of each other. Below is the list of the settlements which make up each of the sub-regional centres, the sub-regional centres can comprise of a number of local centres.

South East Ross

Dingwall
Alness
Invergordon

North East Caithness

Thurso
Wick

Skye

Portree

South West Highland

Fort William

South East Sutherland

Dornoch
Golspie
Brora
Helmsdale

Nairn

Nairn

Local Centre Functions

	Thurso*	Wick*	Beauly	Muir of Ord	Drumnadrochit	Alness*	Nairn*	Invergordon*	Tain	Dornoch*	Lairg	Golspie*	Brora*	Helmsdale*	Bethyhill	Kinlochbervie	Durness	Ullapool	Gairloch	Lochcarron	Kyle of Lochalsh	Portree*	Broadford	Acharacle	Strontian	Kinlochleven	Fort William*	Fort Augustus	Culloden	
Public Transport to Regional Centre	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X				X	X	X		X	X	X	X	
Fuel Filling Station	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X
Bank	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X	X	X	X	X			X	X	X	X	
Post Office	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Secondary School	X	X			X	X	X	X	X	X		X			X	X		X	X			X	X		X	X	X	X	X	
Health Centre	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X			X	X			X	X	X	X	
Super/Mini-Market	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Office Accommodation	X	X				X	X	X	X	X		X	X				X	X				X	X				X		X	
Small Scale Business/Industrial	X	X	X	X		X	X	X	X	X		X	X	X	X		X				X	X	X		X	X	X		X	
Broadband Provision	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fit for Purpose Open Space	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sports and Leisure Facilities	X	X			X	X	X	X	X			X			X			X	X			X			X		X		X	
Tourist Information	X	X	X		X		X		X	X	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X	X	X	

* Part of a Sub Regional Centre

Issue 42	Business and Industrial Land	
Development plan reference:	Policy 42 (Para 20.4, Page 90)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number)		
<p>Irene Brandt (18) Nairn Suburban Community Council (94) Scottish Natural Heritage (SNH) (118) Highlands and Islands Enterprise (HIE) (190) John Waring (250) Eveline Waring (253) Scottish Environment Protection Agency (SEPA) (326) Trustees of the Harbour of Inverness (352) Thurso & Wick Trade Union Council (437) Boyd Brothers Haulage (438) Cromarty and District Community Council (443) Dalglish Associates Ltd for Kishorn Port Ltd (Kishorn) (466)</p>		
Provision of the development plan to which the issue relates:	Business & Industrial Land (p.90)	
Planning authority's summary of the representation(s):		
<p><u>Representors commenting regarding site allocations:</u></p> <ul style="list-style-type: none"> • The list of sites referred to in paragraph two of the policy should include Inverness Harbour (352) • Oppose the expansion of Inverness Airport and the development of a business park there (18) • Question the continued appearance of a site at Murkle Bay – since the 70's this site has been identified in connection with potential oil and gas industry opportunities. The Forss site is now a Business Park. SG might be a useful way of updating these apparent anomalies? (xref: renewable energy developments policy) (437) • Industry and port infrastructure are key to developing offshore renewables, and the N-RIP sites at Kishorn, Ardersier, and Nigg have a very strategic and important role to play, whilst smaller but strategic sites are identified along the Greater Moray Firth Coast such as Wick. N-RIP2 has reference to the Pentland Firth and Orkney waters commercial scale leasing round. A cluster of existing sites in Highland and Orkney have been identified as industry hotspots for wave and tidal developments including Wick, Gillis and Loch Eriboll in Highland. However over the lifetime of the plan further sites of strategic importance may be identified (190) • Clarification is sought over whether sites listed in policy are existing sites or new broad allocations for sites to be zoned in the area Local Development Plans (118) • Paragraph 20.3.4 – Would welcome investment support of Inverness harbour once locations for the marine renewables industry have been clarified (352) • A Masterplan for the Kishorn Yard will serve to meet the strategic vision for the site as set out in the Proposed Plan. It is proposed that a Masterplan development framework is submitted to the Council for consultation and as possible adoption as Supplementary Guidance (466) <p><u>Representors commenting regarding land use/types of business development:</u></p> <ul style="list-style-type: none"> • Carefully plan for primary industries as they are better at securing and retaining local wealth than the service sector and multinational retail outlets (94) • SEPA object unless Policy 42 "Business and Industrial Land" is amended to include waste management as an appropriate land use. This approach provides certainty in requiring Local 		

Development Plans to identify preferred locations for waste management facilities to meet the identified requirements, but also enables flexibility to address future demand. This would be in line with the Zero Waste Plan Annex B, and with Scottish Planning Policy (326)

- SEPA previously supported the position in the Highland wide Local Development Plan: Main Issues Report Preferred Option, and of draft Policy 1: Waste Management Policy (draft Waste Management policies April 2010), to identify existing and allocated industrial and employment land and brownfield land as appropriate locations for waste management facilities. Whilst Policy 71 and Policy 72 relate to “strategic” waste management sites, there is no additional text identifying, or providing guidance on, appropriate locations for waste management facilities which may be smaller in scale (326)
- It may be appropriate for this to be included within Policy 43 Previously Used Land – the policy refers to bringing previously used land back into beneficial use and, in line with the Zero Waste Plan Annex B and Scottish Planning Policy, waste management facilities may be considered appropriate uses for this land (326)
- We highlighted in a previous submission the short supply of land for Classes 4,5 and 6 uses in particular areas, and a reference is now made in para 20.3.3 refers to this and that further work in this respect is set out in the Action Programme. A specific and robust response would have been more helpful. Given the weight of the requirement for business and industrial land, it is disappointing that this policy has not been given more prominence (190)
- The findings and subsequent discussion of August 2010 Graham and Sibbald report on business and industry land should be given due consideration (190)
- The present economy is predominantly weighted towards service and administrative sectors and there is no opportunity to develop sustainable industries (18)
- Feel the emphasis on housing is too strong with the only large industrial allocation being Nigg. Other commercial and industrial needs appear to be met by allocations for ‘mixed use’. There is a danger that the supply of industrial and commercial land will prove inadequate unless specific allocations are made. It is appreciated that these are unlikely to prove popular with developers because of the lower value of such land and that accordingly the ‘developer contributions’ will be lower reducing Council receipts but this interest should not be allowed to determine allocations. Allocation of development land uses should be determined by an integrated development strategy and not driven by development proposals per se (190)
- Policy should encourage business owners/tenants to diversify and expand to encourage economic growth and stimulate employment in highland (438)
- Welcome any expression of support for sustainable local economic development (to reduce reliance on commuting) and any requirement to revisit existing Highland Council policies to support this (an obvious example is the present allotments policy) (443)

Other miscellaneous comments:

- New businesses should be judged both on what they bring to the area and how they affect the environment (250, 253)
- A better analysis of "jobs" is required when promoting development (94)
- As third para. of policy allows for possible business uses outwith the allocated sites this should be assessed as part of SEA and Habitats Regulations Appraisal. Without prejudice to this the policy indicates a sequential test but this is not included in the policy (118)

Modifications sought by those submitting representations:

1. Modifications regarding site allocations (including representors seeking additional allocations):

- Inclusion of Inverness Harbour to list of sites in para 2 (352)
- Recommend that the list of strategic locations should also include Uig, Ullapool and Mallaig because of their strategic importance to the west coast (190)
- It is felt that the following sites merit detailed consideration:- Whiteness, Highland Deephaven, Inverness Airport business Park, Delny, Cromarty Firth Industrial Park, Inverbreakie, Alness Teaninich Industrial Estate, Alness Point Business Park, Evanton Industrial Estate, Nairn Balmakeith, Dingwall business Park, Muir of Ord Industrial Estate, Blarliath Industrial Estate and others (190)

- Recommend the scope to expand existing business locations is protected and that there is a presumption against piecemeal development precluding a future strategic land supply (examples include Portree Industrial Estate, Blar Mhor Industrial Estate and Glen Nevis Business Park) (190)
- Recognise the Strategic importance of N-RIP and N-RIP2 any future strategic sites, alongside all the Highland ports and harbours, and promote their future use and development. (190)
- Policies should be in place to avoid industrial allocations being merely land unsuitable for residential or other uses due to difficulties of access, servicing, contamination etc. (190)
- Clarify list of sites in policy by setting out which are existing sites and which are to be new sites in area Local Development Plans (118)
- Remove allocation for expansion of Inverness Airport and Business Park (assumed) (118)
- Clarification of why site at Murkle Bay is included (437)
- Inclusion of specific allocations of industrial land (190)
- Additional text to identify/ provide guidance on existing or proposed industrial, employment or brownfield land as appropriate locations for smaller scale waste management facilities (326)
- A specific and robust response to be included regarding the potential shortfall in supply of Class 4,5 and 6 land (190)

2. Representors seeking amendments to policy:

- Policy augmented to read, *“Applications will need to demonstrate to the Council’s satisfaction that development on an allocated site is not possible.”* In the sentence beginning with ‘such proposals will still need to be assessed...’. (118)
- SEPA seek inclusion of waste management as an appropriate land use (326)
- Amendment/s to policy to make it consistent with findings of Graham and Sibbald report on business and industry land – assumed (190)
- More reference to ‘primary’ industries (94)
- More analysis of ‘jobs’ (94)
- More encouragement in policy for owners/tenants to diversify and expand (438)

Summary of responses (including reasons) by planning authority:

Allocation of Sites including Industrial Land Supply:

- The Council’s Action Programme outlines our intention to work with HIE on identifying and assessing possible options for future industrial land supply in the Muir of Ord area - this will initially be undertaken as part of the Inner Moray Firth Local Development Plan Call for Sites. Other industrial allocations will also be identified through the Area Local Development Plans. In terms of the sites suggested, the majority are allocated within the policy text and the remainder could be considered as part of the Area LDP preparation. The development of Inverness Airport and Business Park is the main strategic business growth allocation and an essential component of the A96 Corridor Growth Strategy. It is felt it will become an important economic centre and will also play a role in attracting employers to the Highlands.
- The Plan does identify a range of business and industrial sites however Nigg is given a specific policy as a reflection of the Council’s ongoing commitment to bringing it back into productive use.
- It is not felt appropriate to allocate Inverness Harbour within this particular section of the Plan however support for its development is provided in the Inner Moray Firth Vision which states that *ports and harbours, including Inverness, will have supported the growth of tourist and renewables related economic development* by 2030.
- The Council’s response to the inclusion of a site at Murkle Bay is contained in the Schedule 4 for Renewable Energy Developments (Issue 68).

Development of Marine Renewables:

- Working with HIE regarding marine renewables is also ongoing – we will work with the marine energy industry and partners such as HIE to establish the likely land requirements

and infrastructure needs of the emerging industry

Kishorn Masterplan:

- The submission of a Masterplan would be considered by the Council as an appropriate way forward as indicated in the text. Dependent on the compliance of the masterplan with existing policy it may be adopted as statutory or non-statutory supplementary guidance.

Waste Management Uses/ Previously Used Land:

- Scottish Planning Policy states that locations which are appropriate for industrial and storage and distribution uses are appropriate for many waste management installations. This is the same approach adopted by the Highland wide Local Development Plan. As such it is not felt necessary to implicitly include waste management or any other acceptable uses within the policy text. In terms of previously used land, this can include a vast array of sites, including those within well populated residential areas where waste management uses would not be considered acceptable. Applications for development of previously used land will be determined on a case by case basis.

Employment Opportunities:

- Plan identifies strategic areas for strategic areas of Business and Industrial employment opportunities. The forthcoming area Local Development Plans will identify opportunities for more locally based employment opportunities. The Council is happy to consider proposals for expansion of existing businesses

Sustainable Development:

- The Highland wide Plan as whole seeks to identify sustainable development opportunities, these aspirations are supported and underpinned by policies in the Plan through its spatial development strategy, through use of existing infrastructure and services and opportunities for local economic development. These policies include:
 - Policy 29 Sustainable Development which encourages development compatible with existing services
 - Policy 57 Travel which points development to areas where travel generation can be met locally or through sustainable development modes
 - Policy 35 Settlement Development Areas

Assessment of Business Proposals:

- Development proposals for business will be assessed against all policies in the plan, this includes their proposed economic benefit and impact on the environment.

Habitats Regulation Appraisal:

- Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Further information received

1. In response to a request from the reporter regarding the status and justification for the possible supplementary guidance referred to in this policy, the Council indicated that the policy was designed, amongst other things, to respond to the requirements of emerging industries. The reference in the policy to the possibility of producing supplementary guidance was intended to allow for the proper planning of the area and to provide flexibility in the identification of sites for emerging industries. As the site requirements of the emerging industries are not necessarily known at this stage, it is not possible at the present time to give a precise indication in supplementary guidance of the principles or locational requirements that the various types of new development that may emerge will require.

As a result, the Council has suggested that the last two sentences in Policy 42 should be reworded as follows:

“Such proposals will still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this Plan. Supplementary Guidance which follows this approach may be prepared where time allows and the complexity of the issue suggests it appropriate.”

2. I consider that the clarification proposed by the Council is helpful in providing a better understanding of the role and status of any supplementary guidance that may be produced in due course. I therefore include a recommendation to include the revised text.

Conclusions

3. Representation 352 seeks the recognition in the policy of Inverness Harbour as a strategic business and industrial location. It is explained that the harbour is a significant contributor to the Highland economy and inclusion in the list would assist with efforts to expand its facilities and infrastructure. While I do not doubt the significance of the harbour to the local economy, I do not consider that it is likely to be in a position to offer the scale or type of development opportunity which would justify its inclusion as a strategic site under this policy. I note that the role and importance of the harbour area is already recognised in the plan under the Inner Moray Firth vision statement on page 18, which envisages the harbour supporting the growth of tourism and other forms of economic development in the period up to 2030. I believe that this is an appropriate form of recognition of the role the harbour is expected to play. I conclude that it is not necessary for Inverness Harbour to be included in the list of strategic sites in Policy 42.

4. The continued inclusion in the policy of the site at Murkle Bay as a strategic industrial location is called into question in representation 437. It is pointed out that the site has been identified as an industrial opportunity since the 1970's and that to date no development has taken place. The representation notes that the preparation of supplementary guidance on marine renewable energy could provide an opportunity to clarify the role of this site in the future. The Council indicates that the continued identification of the site is matter that is addressed under Issue 68 Renewable Energy Developments. The reporter's consideration of this matter under Issue 68 concludes that it is appropriate to retain the site.

5. Representation 466 seeks clarification from the Council as to whether the submission of a masterplan for the site at Kishorn would serve to meet the strategic vision for the site. The representation does not however request that any specific change is made to the plan. In my view, the matters raised in this representation regarding the future use of the site should be the subject of separate discussions with the Council and do not require, or warrant, any modification being made to the plan.

6. Representation 18 opposes the expansion of Inverness Airport and the development of a business park at that location. I note that one of the Council's key strategic proposals is to accommodate the majority of Inverness's population growth in the medium to longer term (2016 to 2031) in the A96 corridor between the city and Nairn. This is clearly a major component of the Plan's strategy and vision for the development of the Inner Moray Firth area. In addition, I note that the National Planning Framework 2 identifies the corridor as the main focus for growth in the area. The strategy set out in the plan will involve the development of a number of large scale housing proposals, including the development of a new settlement at Tornagrain. In addition, there is the planned expansion of facilities at the existing airport at Dalcross. The development of the airport, and the Airport Business Park, are specific proposals contained in the Inverness Local Plan that are being carried forward alongside the Highland-wide plan.

7. In order that future residents of the proposed new housing can have ready access to employment opportunities, and to provide balanced sustainable communities, it will be essential that sufficient land is allocated for industrial and business development in the area. Given its proximity to the airport, experience elsewhere would suggest that a business park in this location would also provide the opportunity to attract investment from outwith the local area. I therefore consider that the

inclusion of Inverness Airport Business Park in Policy 42 as a strategic business opportunity is understandable and represents good planning practice. I am not persuaded that the reference to the business park at the airport should be deleted from the plan. (See also Issue 13, Tornagrain)

8. SEPA (326) has indicated that it is concerned that the policy makes no reference to the potential use of business and industrial sites to accommodate waste management facilities. It is indicated that SPP states that development plans should identify appropriate locations for waste management facilities. The SPP also notes that as modern waste management infrastructure is designed to high standards, locations which are appropriate for industrial or storage/distribution uses may also be appropriate for waste management facilities. In this case, I consider that the policy is primarily designed to safeguard a limited number of strategic industrial and business locations. The Council has also indicated in the policy that the forthcoming area local development plans will identify further industrial sites within the various settlements in the Highlands.

9. With respect to larger scale waste management facilities, Policy 71 indicates that the Council has identified a number of preferred sites throughout the area for such uses. In terms of smaller scale facilities, the policy indicates that proposals for waste management facilities will also be acceptable where they are located on existing or allocated industrial land. In my opinion, given the above statements in Policy 71, it is not necessary for Policy 42 to reiterate that industrial sites may provide suitable locations for waste management facilities. In addition, the forthcoming area local plans, which will consider in more detail the specific allocation of land uses at the local level, are in my view likely to provide a more appropriate vehicle for the consideration of issues regarding the siting of waste management facilities. In these circumstances, I believe that the plan is consistent with the requirement of the SPP and I am not persuaded that there is any need to modify the policy in response to this representation.

10. SNH's representation (118) sought clarification over whether the locations listed in the policy were existing sites or indicative allocations that were to be further defined in the area local development plans. This clarification was necessary as any new sites may require to be considered through the Strategic Environmental Assessment or Habitat Regulations Appraisal processes. A letter from SNH, dated 3 October 2011, indicates that these matters have now been clarified. I conclude that there is therefore no need for any change to the plan in respect of this matter.

11. SNH has also indicated that, although the policy implies a preference for business and industrial development to be located on allocated sites, the policy does not include a sequential test to reinforce this point. It therefore suggests that the following should be inserted in the last paragraph of the policy: *"Applications will need to demonstrate to the Council's satisfaction that development on an allocated site is not possible."* In my view, it would be appropriate to modify the policy along the lines suggested by SNH to ensure a full understanding of the policy position. I include a recommendation below to deal with this point.

12. In the representation from HIE (190) the importance of identifying sites which can meet the needs of offshore wind manufacturing, construction and installation is highlighted. The sites at Nigg, Kishorn and Ardersier, which are within the plan area, are identified as being of strategic significance along with key port facilities at locations such as Wick. In addition, the National Renewables Infrastructure Plan 2 identifies the development potential of the Pentland Firth for wave and tidal power generation. A number of sites, including opportunities at Scrabster and Wick are identified as being potentially suitable locations to meet the needs of these technologies. It is considered by HIE that the strategic value of these key locations should be recognised in the plan.

13. The Council indicates that the potential significance and opportunities for offshore wind, wave and tidal power generation are fully recognised. However, at this stage further work is still being undertaken, in conjunction with HIE and industry representatives, to establish more clearly the likely scale of the land requirements and the infrastructure needs of the marine renewables sector. The Council notes that there is therefore considerable uncertainty over exactly what will be required and where would be the most appropriate locations to locate such facilities.

14. I acknowledge that it is important to make provision to allow for opportunities in the marine

renewables sector to be realised. In this context, I note that sites such as Nigg, Kishorn, Wick, Scrabster and Murkle Bay have been identified in the policy as strategic industrial opportunities, which are to be safeguarded from development by other uses. Given the lack of certainty over the scale of land necessary to support the development of the marine renewables industry, I consider that the position of the Council on this matter is reasonable and proportionate at this time. Furthermore, as the position regarding land and infrastructure requirements becomes clearer, there will be an opportunity in the forthcoming area local development plans to identify further sites should the need arise. I do not believe therefore that the plan requires to be modified in response to this representation.

15. HIE also raises concerns that the Glen Nevis Business Park is approaching full development capacity and that additional land should be identified to allow for its expansion. Proposals for a waste management facility on the nearby Ben Nevis Industrial Estate and the planned expansion area are considered to be detrimental to the marketing of the business and industrial land at this location. HIE would therefore wish the proposed new waste management facility to be relocated to an alternative and more suitable site. While I can appreciate the point HIE is making, I believe that the matter relates to a detailed level of land use planning which can more appropriately be addressed in the forthcoming area local development plans. It is not a matter that is appropriate for inclusion in a Highland-wide plan, which is intended to provide a broad strategic framework for development across the whole of the area. I am also aware that the West Highland and Islands Local Plan has been adopted relatively recently and that it provides a comparatively up to date detailed land use framework for development in the Fort William area. In these circumstances, I do not consider that any modification to the plan is required.

16. Similarly, HIE has expressed concern that the plan includes a number of 'mixed use' sites within which business and industrial sites are to be identified at a later stage. Given the relative land values attached to such uses in comparison to residential use, it is submitted that there is a danger that the future supply of business and industrial opportunities will be substantially constrained unless specific sites within mixed use allocations are identified in the plan. Once again, while I believe that HIE has raised a valid concern, it is my view that this detailed level of land allocation is best undertaken in the area local development plans and not in the Highland-wide plan.

17. I have carefully considered the other representations (94, 250, 253, 443 and 438) made in connection with this issue, but find that the matters they raise do not provided any justification or need to make any modifications to the plan.

Reporter's recommendations:

I recommend that the plan be modified as follows:

Delete the last two sentences of Policy 42 and replace them with the following:

Developers will have to demonstrate that their proposals cannot reasonably be accommodated on existing allocated industrial and business sites. Such proposals will also still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this Plan. Supplementary Guidance which follows this approach may be prepared where time allows and the complexity of the issue suggests it appropriate.

Issue 43	Previously Used Land	
Development plan reference:	Policy 43 (Para 20.6, Page 91)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dounreay Site Restoration Limited (DSRL) (26) Coal Authority (38) Scottish Natural Heritage (118) Glen Urquhart Community Council (174) Highlands and Islands Enterprise (HIE) (190) John Waring (250) Eveline Waring (253) Scottish Property Federation (291) Scottish Environment Protection Agency (SEPA) (326) Invergordon Community Council (497)</p>		
Provision of the development plan to which the issue relates:	Previously Used Land (p.91)	
Planning authority's summary of the representation(s):		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • The policy needs expansion and explanation and the statements need to be reviewed and clarified. Developers should only be required to remediate to 'reasonable levels for the development they are proposing (190) • Subject to findings of Habitats Regulations Appraisal, the policy should be altered to read, '...without adversely affecting the landscape character or the landscape character or the natural heritage of the area.' (118) • Reference to the potential for waste management uses to be located on previously used land (326) • Easier/less costly use of CPO's (250, 253) • Clearer definition of what is considered 'brownfield' land (174) 		
Summary of responses (including reasons) by planning authority:		
<p><u>Support for policy</u></p> <ul style="list-style-type: none"> • Noted <p><u>Compulsory Purchase Orders</u></p> <ul style="list-style-type: none"> • Subject to legal agreements etc, the Council acknowledge that CPO's have a role to play in bringing brownfield land back into productive use, particularly in sites with land assembly issues. <p><u>Remediation Costs</u></p> <ul style="list-style-type: none"> • It is acknowledged that there can often be extraordinary site development/remediation costs in bringing brownfield land back into productive use. The Council are therefore happy to work developers to ensure that viability is not comprised. <p><u>Use of Previously Used Land</u></p> <ul style="list-style-type: none"> • Waste management may be an appropriate future use for brownfield land in some circumstances, however previously used land can be found in an array of locations including within populated residential areas where waste management uses would be unacceptable. As such it is not considered appropriate to for the policy to implicitly specify waste management as 		

a potential future use – proposals for previously used land will be considered on a case by case basis.

Seabank Tank Farm

- The Council are committed to bringing this particular site back into productive use. An Options Appraisal and Remediation Strategy is currently being undertaken by consultants and is anticipated to be complete early this year. This will identify any viable options for the site and outline necessary remediation measures.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. Representation 118 seeks inclusion of the words “in addition to the general policies” after the word “subject” in policy 43. From my reading of the representation, its purpose is to limit the scope of the policy. As the policy stands, it supports any development proposal, provided site investigation and risk assessment demonstrate suitability for use. I find that this could open the way for previously-used land to be developed in ways that did not conform to other policies in the proposed plan. This would be undesirable. Brownfield developments should accord with the general policies of the plan, and policy 43 should be altered accordingly.

2. Representation 174 seeks a clearer definition of what is meant by brownfield land. I note from paragraph 20.5.1 that the proposed plan uses the term “previously-used land”, rather than “brownfield land.” “Previously-used land” is defined in the glossary section of the plan. The first part of the definition refers to “land that was developed”. If “developed” is interpreted in the light of the definition of “development” in section 26 of the Town and Country Planning (Scotland) Act 1997, it will exclude use for agriculture or forestry, including afforestation. This would appear to address the concern in the representation, which refers to the possibility that “brownfield” might include land previously used for forestry.

3. However, the glossary definition goes on to refer to “land currently in use with known potential for redevelopment.” This part of the definition seems less precise. It could be interpreted as referring to land in any kind of use, not restricted to use that arises as a result of “development.” From this, I find that the concern in the representation has merit.

4. This possible loophole in the plan’s glossary definition does not arise in the definition of “brownfield land” that is given on page 61 of Scottish Planning Policy. The latter makes it clear that brownfield land is always “land which has previously been developed.” In other respects, the two definitions are similar. The definition in Scottish Planning Policy is one that has been in use in national policy documents for a number of years and is one with which most users of the planning system will be familiar. Use of a slightly different definition when no reason for so doing has been put forward introduces unnecessary complication into the system.

5. From all the preceding considerations, I conclude that the glossary definition in the proposed plan should be replaced by the definition of brownfield land given in Scottish Planning Policy.

6. It is contended that the plan should acknowledge extraordinary site development costs associated with contaminated land in the Highland area (representation 190). I find that remediation of contaminated land is often expensive, and I see no particular reason to mention this in the plan.

7. Concern is expressed regarding the complexity and cost of compulsory purchase procedure (representations 250 and 253). Compulsory purchase procedure and associated compensation arrangements are laid down in statute and cannot be altered by the content of the plan.

8. It is submitted that previously-used land could be appropriate for smaller-sized waste management facilities (representation 326). I find that previously-used land is likely to be found in variety of locations. For example, some locations might be close to sensitive development, others might have poor access. My conclusion from this is that it would not be appropriate to suggest that all previously-used land is necessarily suitable for small-scale waste management facilities.

9. There is a keen desire that the disused tank farm at Invergordon be returned to beneficial use (representation 497). This is supported by policy 43.

Reporter’s recommendations:

I recommend the following modifications:

1. Deletion of the text under policy 43 and its replacement with the following:

The Council will support development proposals that bring previously-used land back into beneficial use provided:

- a) site investigation and risk assessment are undertaken and demonstrate that the site is in, or is capable of being brought into, a condition suitable for the proposed development; and
- b) the proposed development accords with all other relevant policies of this plan.

2. In the Glossary, delete the definition of previously-used land and replace it with the following:

“Previously-developed land (brownfield land)

Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings, and developed land in a settlement boundary where further intensification of use is considered acceptable.”

Issue 44	Tourism	
Development plan reference:	Policy 44 (Para 20.8, Page 92)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number)		
<p>The Mountaineering Council of Scotland (2) Laid Grazings Committee (83) Nairn West Community Council (101) Elizabeth Budge (148) Mrs Annie Stewart (172) Glen Urquhart Community Council (174) Highlands and Islands Enterprise (HIE) (190) Sleat Community Council (304) Inverlochry & Torlundy Community Council (318) A Currie (368) Highland Film Commission (491)</p>		
Provision of the development plan to which the issue relates:	Vision, Caithness & Sutherland Vision, West Highlands and Islands Vision, Policy 44 Tourism, Policy 57 Travel	
Planning authority's summary of the representation(s):		
<p>Support efforts to grow this sector of the economy. (174)</p> <p>Concerns that tourism is not the number one priority for Caithness and Sutherland as it is already a big employer with potential for expansion. (83)</p> <p>Concerns regarding the lack of protection for natural environment as tourism assets (2, 101)</p> <p>Concerns that not all representations on Tourism will be incorporated [assumed]. (148)</p> <p>Concerns regarding the lack of all-weather tourism facilities in the Inner Moray Firth Area to enhance tourist sector and compete with other parts of UK. (172)</p> <p>Concerns that transport links to the area are insufficient to support tourism. (172)</p> <p>Concerns regarding the lack of good tourist facilities proposed by the plan. (172)</p> <p>Concerns that major new facilities don't provide a one-stop-shop which completes with existing facilities or fails to encourage longer stays within an area. (174)</p> <p>Concerns that proposals for new tourist developments might be restricted to locations with a settlement boundary. (190)</p> <p>Concerns regarding the lack of proposals for new tourist developments on Skye. (304)</p> <p>Concerns that the sector isn't supported sufficiently enough given its role in supporting other businesses such as crofting, fishing and forestry in fragile rural communities. (318)</p> <p>Concerns regarding the lack of protection for the International Cycle route. used by cyclists from cruise ships at nearby Invergordon and other international cyclists. (368)</p> <p>Concerns regarding the lack of acknowledgement that film tourism contributes to the economic development of the Highland area. (491)</p>		

Modifications sought by those submitting representations:

Amend the Caithness and Sutherland Vision [cross ref Issue 82] to place bullet point 7 “have a high quality tourist industry” at the top of paragraph 5.2.1 [assumed] to identify it as the number one priority in terms of economic development. (83)

Amend the Policy to require that new tourism proposals safeguard the natural heritage assets. (2, 101)

Amend the Policy to incorporate all representations made if possible [assumed]. (148).

Amend the Policy to identify particular locations for tourist facilities, particularly all-weather proposals. (172)

Amend Policy 57 Travel to support improved transport links to/from the area. (172)

Amend the Policy to assess proposals for new tourist facilities to assess the extent to which they displace tourists from existing facilities. (174)

Amend the Policy to allow for appropriate sustainable tourism facilities outwith Settlement boundaries. (190)

Amend the West Highlands and Islands Vision [assumed] to incorporate support for tourism on Skye. (304)

Amend the Policy to assess the extent to which new proposals support existing businesses such as crofting, fishing and forestry in fragile rural communities. (318)

Amend Policy 57 Travel [assumed] to provide specific protection for The International Cycle Route. (368)

Amend the Vision [assumed] to highlight the link between economic development and film tourism. [cross ref to Issue 45]. (491)

Summary of responses (including reasons) by Planning Authority:

The Caithness and Sutherland Vision already acknowledges the priority of having a high quality tourist industry, but this is only one of a number of important sectors of the economy in the area. Given the increasing level of interest in Marine Renewables, particularly in Caithness, it would not necessarily be beneficial to prioritise tourism above all other sectors, indeed a more broad-based economy is required in order to ensure the continued sustainability of communities in the area. This latter point is highlighted in bullet point 8. No change is deemed necessary. (83)

Protection for the natural and environmental assets which are key attractors for tourism is already provided for elsewhere in the Proposed Plan under the General Policies detailed within Section 21 “Safeguarding Our Environment” (2, 101)

All representations regarding this Policy will be considered and incorporated where relevant and practicable. (148)

More specific opportunities for new or enhanced tourism facilities will be identified in subsequent Local Development Plans. (172)

Improvements to the Highland area’s transport links have already been considered under the Council’s [Local Transport Strategy](#) which the Highland-wide Local Development Plan must take cognisance of. In addition, major tourist-related transport links outwith the area considered at a National level through the [Strategic Transport Projects Review](#) which prioritises enhancements to

both the trunk road and rail networks. No change is deemed necessary. (172)

To restrict the development of new tourist facilities because of a potential impact on existing facilities would likely impose an artificial restriction on the expansion of this important business sector, and at the same time potentially stifle innovation and change to meet new tourism market requirements & expectations. No change is deemed necessary. (174)

Given that many of the tourist ‘attractors’ within the Highlands are outwith settlements – generally, the areas natural heritage – it would seem appropriate to allow tourism-related developments outwith settlement boundaries in line with HIE’s suggested amendment (190), but only where they don’t adversely affect the landscape character or natural heritage of the area. SNH have suggested a form of words relating to Policy 45 Tourist Accommodation which would also appear appropriate for this Policy. Thus, the following additional sentence is suggested, inserted between the bullet points for assessment and the final paragraph:

“Where a site is outwith a settlement boundary, developments will only be permitted where they do not adversely affect the landscape character or the natural heritage of the area.”

General support for tourist proposals throughout the West Highlands and Islands has been given within bullet points 8 and 9 of the Vision for the area, and specific tourist proposals for Skye have already been identified in the [West Highlands and Islands Local Plan](#). Specific proposals will also be considered by the future Local Development Plan for the area. No change is deemed necessary. (304)

The importance of the tourism sector to the Highland economy as a whole is already highlighted within the overall Vision [para 4.2.3] and reiterated within the area Visions. This emphasis, combined with this proactive Tourism Policy (44) Tourism and Policy 45 Tourist Accommodation, is deemed sufficient in terms of supporting this important industry sector. (318)

The International Cycle route (National Cycle Route 1) has already been considered under the Council’s Local Transport Strategy, and includes policies which show how the Council will work with Sustrans on improving this route under the overarching [Cycling Action Plan for Scotland](#). No change is deemed necessary. (368)

The link between economic development and the film tourism is referenced, albeit indirectly, within the Vision for the Plan [para 4.2.3], which highlights both tourism and creative industries as being key sectors for a sustainable Highland economy. The expectation is that particular priority ‘themes’ for the Highland tourism industry, such as film tourism, would be highlighted in the “[Highland Area Tourism Partnership Plan 2005-2015](#)”, and that this would inform future Area Local Development Plans and other planning guidance. (491)

Any further plan changes commended by the Council

None

Reporter’s conclusions:

1. With respect to representation 83, I note that the creation of a high quality tourist industry is included within the list of broad objectives for Caithness and Sutherland, which are set out on pages 11 and 12 of the plan. I appreciate that the objective relating to tourism is towards the end of this list, but I do not consider that this diminishes the importance accorded to this sector of the economy or places it at a disadvantage in comparison to the other identified priorities for future growth in the area. The list provides a broad spectrum of the types of activities which the Council hopes will provided the basis for creating a more balanced and broad based economy in Caithness. Therefore, I do not consider that any change to the plan is required in response to this representation.

2. Representations 2 and 101 seek greater recognition for the important role that the landscape and

scenery of the Highlands plays in attracting visitors to the area and sustaining the tourist industry. While I acknowledge that tourists are drawn to the Highlands because of the quality of its scenic resource, I believe that the policies which deal with the conservation of the natural and built environment and the landscape provide satisfactory recognition and protection for these valued resources. I do not therefore believe that there is anything to be gained by restating the provisions of these policies in the section of the plan dealing with tourism.

3. In representation 172 there is a plea for the identification of specific proposals to improve the range of all-weather facilities that are available to tourists, particularly in the Inverness and Inner Moray Firth area. I understand the request for more specific information on this matter to be included in some form of plan. However, I consider that the role of the present plan is to set out a broad framework indicating the scale and pattern of development that requires to be accommodated in the Highlands over the next 20 or so years. Detailed consideration of the exact location for locating new tourist facilities is a matter that will be dealt with at the next stage of the process in the area local development plans. At that stage, further consultation will take place on the precise nature and location of any planned new provision. In these circumstances, I do not consider that any change should be made to the plan in response to this representation.

4. Similarly, the representation also raises the issue of improved transport links to the area to serve tourist traffic. The detailed consideration of this matter is dealt with in the Council's Local Transport Strategy and Transport Scotland's review of strategic transport projects. However, I am not persuaded that these are matters which require to be addressed in this section of the plan.

5. Representation 174 offers support for the development of tourism as a key sector of the local economy. However, reservations are expressed regarding the development of new facilities that could divert trade away from established facilities or existing settlements. As I have indicated under Issue 45, I believe that there is a continuing need to try and improve the quality and range of tourist attractions in the Highlands. However, the purpose of planning is to properly regulate land use. It is not the role of the planning system to intervene in order to prevent competition between providers of tourist facilities or to provide protection from competition for exiting businesses. I do not therefore consider that it would be appropriate to include a requirement that new tourist facilities should only be supported in situations where it could be demonstrated that there was an unmet demand.

6. In representation 318 the significance of tourism to the Highland economy is emphasised and it is suggested that reference should be made in the policy to the important role that tourist related developments have in supporting activities such as crofting, fishing and forestry in fragile rural communities. While I have no reason to dispute the general thrust of the point made in this representation, I am not persuaded that the policy requires to be changed to cover the matters raised. In my view, the importance of the tourist industry to the Highlands is already adequately covered in the plan's overall vision statement and in the vision statements for the individual planning areas.

7. Similarly, with regard to representation 491, although the role of the film industry in assisting economic development, providing jobs and promoting the area is recognised, I do not believe that it requires or merits special treatment in the plan. The role of the creative industries and tourism as key sectors in stimulating economic growth is an issue which in my opinion would be more appropriately addressed in other Council documents. Any specific land use proposals which emerge could then be included in the forthcoming area local development plans. (See also Issue 81)

8. I note the importance which representation 368 attaches to National Cycle Route 1 in the Invergordon and Alness area. However, I am aware that the Council has indicated that this route has already been included in the Local Transport Strategy for the area and that proposals for its improvement are under discussion with Sustrans. In these circumstances, I am not persuaded that it is necessary to make specific reference to the route in the policy.

9. In the representation from the Sleat Community Council (304), surprise is expressed that given its importance to tourism there are no specific proposals in the plan for the development of additional facilities in Skye. I note however that general support for the development of the tourism sector

throughout the West Highland and Islands is mentioned in general terms on pages 14 and 15 in the vision statement for the area. I am also aware that Skye is covered by a recently adopted local plan, which provides more detail information on how the Council's broad aspirations for the area will be achieved. The adopted local plan includes proposals for new tourist related projects on Skye. In these circumstances, I do not consider that it is necessary for the present plan to provide further detailed information on potential tourism proposals on Skye as an up to date development planning framework for the area already exists, which is being carried forward alongside this plan.

10. The representation from Highland and Islands Enterprise (HIE) (190), indicates that consideration should be given to expanding the scope of the policy to support the provision of appropriate sustainable tourist facilities outwith the boundaries of settlements. The Council has indicated that as many tourist attractions involve visiting areas of importance for natural heritage, which mostly lie outside existing towns and villages, it may be appropriate for the policy to express support for the provision of tourist facilities outwith the boundaries of settlements. Such support would be subject to a requirement that any development did not adversely affect the landscape character and natural heritage of the area. In this context, reference is made to the approach adopted in Policy 45 on the provision of tourist accommodation.

11. While I am aware that the Council has indicated that it does not necessarily object to this suggested modification to the policy, I have concerns regarding the making of such a significant change to the content and scope of the policy. The policy in the plan makes no reference to giving support to the development of tourist facilities outwith settlement boundaries. Quite the reverse. Firstly, in the plan the policy indicates that the scale and proportion of a proposal should be proportionate to its location/settlement. Secondly, there is a clear and explicit requirement that such developments are to be sited within the settlement boundary and that they should complement existing tourist facilities within that settlement.

12. I conclude that the policy, as set out in the plan, is clearly designed to encourage development within settlements, and not to promote development outwith settlement boundaries. In addition, there has been no opportunity for parties or individuals with an interest in this matter to make representations on the merit or significance of the change proposed to the policy. I am also not persuaded that the proposed change to support the development of what could be potentially major facilities to be built outwith existing settlements would necessarily be consistent with the Council's general efforts to promote more sustainable forms of development. Consequently, I find that it would be inappropriate to make such a significant change to the policy at this late stage in the plan making process.

Reporter's recommendations:

I recommend no modification to the plan.

Issue 45	Tourist Accommodation	
Development plan reference:	Policy 45 (Para 20.10, Page 93)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number)		
<p>Scottish Natural Heritage (118) Glen Urquhart Community Council (174) M Gilvray (453) Highland Film Commission (491) Invergordon Community Council (497)</p>		
Provision of the development plan to which the issue relates:	Tourist Accommodation under paragraphs 20.9.2 and 20.10	
Planning authority's summary of the representation(s):		
<p>Suggested error in cross reference - should be made to Policy 37 rather than Policy 36. (118)</p> <p>Support positive promotion of self-catering accommodation within pre-amble (paragraph 20.9.1) due to its importance to the film industry. (491)</p> <p>Concerns that there is insufficient reference made to the natural, cultural and built heritage. (118)</p> <p>Concerns that tourist accommodation within the open countryside will be permitted where there is no demand. (174)</p> <p>Concerned that second homes and seasonal settlement are excluded. (453)</p> <p>Concerns regarding the lack of specific proposals for tourist accommodation in Invergordon and surrounding area. (497)</p>		
Modifications sought by those submitting representations:		
<p>SNH suggest that Policy 45 should be amended to cross-reference Policy 37 and not Policy 36. (118)</p> <p>SNH suggest that the last paragraph of Policy 45 is amended to replace '...without adversely affecting the landscape character of the area' <i>with</i> '...without adversely affecting the landscape character or the natural heritage of the area.' (118)</p> <p>The policy should be amended to require that any proposals for tourist accommodation should only be permitted if there is demonstrable unmet demand. (174)</p> <p>The policy should be amended to support proposals for second homes. (453)</p>		
Summary of responses (including reasons) by planning authority:		
<p>This policy currently cross-references Policy 36 Housing in the Countryside (Hinterland) as the paragraph relates, albeit by inference, to the hinterland immediately outwith settlements where there is pressure for such developments. The suggestion to cross-reference Policy 37 is not without merits, as the following paragraph deals with the open countryside, and as such, an explicit cross-</p>		

reference with Policy 37 Wider Countryside inserted after "...of the area." seems appropriate, with the following wording suggested: "See also the related guidance on the Wider Countryside: Policy 37"

The suggestion to amend the wording of the last paragraph of the policy to replace "...without adversely affecting the landscape character of the area" with "...without adversely affecting the landscape character or the natural heritage of the area" is deemed appropriate.

The suggestion to restrict proposals for tourist accommodation only where there is demonstrable unmet demand could be deemed to be anti-competitive and may prevent new accommodation providers entering the market.

Second homes are specifically excluded from this policy as they are considered in the same way as other housing developments, and so are assessed under the relevant housing Policies contained within Section 19.

Any further plan changes commended by the planning authority:

None

Reporter's conclusions:

1. The representation from Scottish Natural Heritage (118) suggests that the scope of Policy 45 should be made clear through the addition of a reference to Policy 37 (Wider Countryside). Policy 37 deals with housing proposals in the wider countryside beyond those areas in the immediate hinterland of the existing towns in the Highlands. Policy 45 already includes a reference to the hinterland areas, which are covered by Policy 36 Housing in the Countryside (Hinterland Areas). I consider that the inclusion of a reference to Policy 37 in the third paragraph of the policy would remove ambiguity over the scope of the policy and clarify the council's intentions on this matter. I note that the council accepts that there would be merit in modifying the plan to make this point clear
2. Representation (118) also notes that Policy 45 refers simply to impact on landscape character and that there is no reference to the importance of taking account of natural heritage interests. SNH therefore suggests that the wording of the last paragraph of the policy should be changed to incorporate a reference to proposals not adversely affecting natural heritage interests. The council accepts that such a modification would be acceptable. I consider that to improve clarity and understanding it would be appropriate to amend the wording of paragraph 3 in the policy. I make a recommendation below which covers both of these points.
3. Representation 497 notes that there are no specific proposals to improve the supply of tourist accommodation in the Invergordon area. While there may be a shortage of particular types of tourist accommodation in this area, I do not consider that it would be appropriate to include specific policy guidance on a local issue such as this in a Highland-wide plan, which is intended to provide a broad strategic framework for development across the whole of the region. Such a specific policy matter should more appropriately be included within the forthcoming area local development plan that will cover Invergordon.
4. The suggestion in representation 174 is that there is a risk that new tourist development will simply replicate or replace existing visitor facilities and that this would result in little net economic benefit to the area. While there may be the possibility that some new tourist developments will attract visitors away from established facilities, there is a continuing need to try and improve the quality and range of tourist attractions and facilities in the Highlands. The purpose of planning is to properly regulate land use. It is not the role of the planning system to intervene in order to prevent competition between providers of tourist facilities or to provide protection from competition for existing businesses. I do not therefore consider that it would be appropriate to include a requirement that new tourist facilities should only be supported in situations where it could be demonstrated that there

was an unmet demand.

5. Lastly, representation 452 seeks the inclusion within Policy 45 of guidance on the provision of second homes. However, as the council has pointed out in paragraph 20.9.2, second homes are specifically excluded from consideration under this policy. The matter is dealt with instead under the plan's general housing policies which set out the framework for considering the location of new developments. I agree with the council that it is not appropriate or necessary to include reference to second homes in Policy 45.

Reporter's recommendations:

I recommend that the plan be modified as follows:

Delete the first sentence of paragraph 3 in the policy and replace it with the following:

Tourist accommodation within the open countryside will be supported where: it can be demonstrated that a demand exists for this type of accommodation; it can be achieved without adversely affecting the landscape character or the natural heritage of the area; and, it is consistent with the other guidance on siting and design set out in Policy 37: Wider Countryside.

Issue 46	Communications Infrastructure	
Development plan reference:	Policy 46 (Para 20.12, Page 93)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Laid Grazings Committee (83) Kingussie & Vicinity Community Council (93) Scottish Council for Development and Industry (SCDI) (180) Highlands and Islands Enterprise (HIE) (190) Caithness Chamber of Commerce (274)</p>		
Provision of the development plan to which the issue relates:	Communications Infrastructure General Policy	
Planning authority's summary of the representation(s):		
<p><u>Laid Grazings Committee (83)</u></p> <p>Need to encourage small businesses – the poor quality of broadband is problematic to businesses in small communities like Laid. The contractors for the Scottish Government scheme are intending to improve this but normal broadband through BT landlines is still not available in these communities. Any business, particularly small businesses, now expect the best broadband connection, which is not there at the moment.</p> <p><u>Kingussie & Vicinity Community Council (93)</u></p> <p>Fully support this policy to improve potential for small businesses to compete.</p> <p><u>Scottish Council for Development and Industry (SCDI) (180)</u></p> <p>The Council's policy to support proposals which lead to the expansion of the electronic communications network in the Highlands is welcome. The policy should though additionally make explicit reference to broadband's potential role in more effective delivery of public services.</p> <p><u>Highlands & Islands Enterprise (HIE) (190)</u></p> <p>There has been a recent successful bid for pilot in Highlands & Islands for superfast broadband through Digital Britain UK programme. A positive policy approach is required to support this across Highland.</p> <p><u>Caithness Chamber of Commerce (274)</u></p> <p>Support for the importance of broadband coverage in keeping the area competitive and connected to the global economy.</p>		

Modifications sought by those submitting representations:
<p>Make explicit reference within policy to broadband's potential role in more effective delivery of public services. (180)</p> <p>Ensure policy takes positive approach, as necessary for infrastructure developments required to support digital telecommunications and superfast broadband coverage not only to main settlements but also our remote communities. (190)</p>
Summary of responses (including reasons) by planning authority:
<p>Policy 46 is a Highland-wide policy and as such deals with the provision of communications infrastructure for both urban and rural communities. It is already a positive policy, prepared in the context of the importance of good communications, including broadband, to Highland communities and businesses. As indicated in its Programme for 2009-2011, entitled Strengthening the Highlands, the Council is committed to working with the Scottish Government, HIE and the private sector to support the provision and use of high speed broadband services for our businesses and communities. It is not necessary for the policy to refer to specific potential benefits to one sector, such as public service delivery, and it is already sufficiently positive.</p>
Any further plan changes commended by the planning authority:
<p>None.</p>
Reporter's conclusions:
<p>The representations seek to reinforce policy 46, especially in relation to more remote areas. I find that the policy as proposed gives unqualified support to proposals for expansion of the electronic communications network. In view of this, I conclude that there is no need to alter the policy in response to the representations.</p>
Reporter's recommendation:
<p>I recommend no modification.</p>

Issue 47	Siting and Design of Communications Infrastructure	
Development plan reference:	Policy 47 (Para 20.14, Page 93)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (SNH) (118) M Gilvray (453)</p>		
Provision of the development plan to which the issue relates:	Siting and Design of Communications Infrastructure	
Planning authority's summary of the representation(s):		
<p>The policy provides insufficient protection for the environment in general and landscape character in particular. (118).</p> <p>The policy itself should include access to communications structures as this can be as intrusive as the structure itself (453)</p>		
Modifications sought by those submitting representations:		
<p>SNH suggest that Para. 20.13.1 is augmented with, "Guidance on siting and design is available in 'Siting and Design Guidelines for Mobile Telecommunications Developments in the Highlands and Islands' (http://www.snh.org.uk/pubs/detail.asp?id=172). (118)</p> <p>SNH suggest amending the first bullet point to read: "equipment is sited and designed sensitively to avoid adverse impacts on the environment, including landscape character views." (118)</p> <p>Include proposed access routes within wider assessment of design/location [first bullet point] and cumulative visual impact of Communications Infrastructure [final sentence] [assumed] (453)</p>		
Summary of responses (including reasons) by planning authority:		
<p>SNH's 'Siting and Design Guidelines for Mobile Telecommunications Developments in the Highlands and Islands' was published in 2002 and is based on older survey data and out-dated mast designs/mobile technologies. Updated guidance would be welcome, as this existing guidance would be some 14-15 years old by the end of the plan period.</p> <p>Agree with proposed change to first bullet point to read: "equipment is sited and designed sensitively to avoid adverse impacts on the environment, including landscape character views", as may be a particular concern in rural areas.</p> <p>Agree with proposed change to first bullet point to include access routes in assessment, as may be a particular concern in rural areas.</p> <p>Agree with proposed change to final sentence to include access routes in assessment, as may be a particular concern in rural areas.</p>		

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. It is suggested that paragraph 20.13.1 include reference to guidelines published by Scottish Natural Heritage (representation 118). It is the Council's view that the guidelines are out of date. In view of this doubt about the applicability of the guidelines, I conclude that the plan need make no reference to them.

2. In its response to other aspects of both representations, the Council agrees that the policy should be changed. I find that communications infrastructure and associated access routes could be intrusive and detrimental to amenity if not designed with care. The proposed changes would help encourage careful design. My conclusion is that the policy should be changed accordingly.

Reporter's recommendation:

I recommend the following modification:

In policy 47, deletion of the first bullet point and its replacement with:

- equipment and any associated access are sited and designed sensitively to avoid adverse impacts on the environment, including landscape character and views;

Footnote: The last sentence of the policy contains a typographical error – "affect" should read "effect."

Issue 48	Safeguarding of Inbye/AppORTioned Croft land	
Development plan reference:	Policy 48 (Para 20.16, Page 94)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds Scotland (RSPB) (78) Laid Grazings Committee (83) Scottish Natural Heritage (SNH) (118) Glen Urquhart Community Council (174) Joyce Wilkinson (216) Kincaig & vicinity Community Council (225) Crofters Commission (271) Lochaber Partnership (452) A Currie (368) S & A Corbett, A & A Currie, W & K MacKenzie (519) Frank and Dianne Buckley (531) Scotia Homes (532)</p>		
Provision of the development plan to which the issue relates:	Safeguarding of Inbye/AppORTioned Croft land	
Planning authority's summary of the representation(s):		
<p><u>The Policy</u> <u>Wildlife</u> Feels that this policy needs to go further. Currently areas of highest agricultural value get the most protection however they consider that it is often the least agriculturally productive areas that are best for wildlife. (78)</p> <p><u>Protect best land locally</u> Considers that policies need to be developed to help protect the best local land in an area, in a similar manner as is proposed for crofts, and that a clear indication is given that local land use will be protected through individual local development plans. (174)</p> <p>It is felt that Policy 48 should not just apply to croft land but all agricultural land surrounding crofting townships in any national scenic area in the Highlands. This would prevent for example the loss of all the agricultural land on one of only 3 farms in a crofting district for house plots that are only lived in for a portion of the year, as has happened in the Arisaig, Morar and Moidart area. (216)</p> <p><u>Prime arable land</u> Feels that good quality arable land should be protected from development. (452)</p> <p>Believes that the development of prime agricultural land should be supported where it is required to meet development requirements. (532)</p> <p><u>Siting and Design</u> SNH: Support the reference to siting and design guidance but the guidance itself needs to be clear that it covers all croft land (including within SDA's) and needs to be strengthened to cover crofting landscapes in sufficient detail. (118)</p> <p><u>Settlement Pattern</u> Crofters Commission: consideration should first be given as to whether these other interests can be</p>		

satisfied by re-locating the proposed development onto less productive land in the vicinity. It is felt that the use of existing settlement patterns as criteria may exasperate situations where development is no longer desired by the community in that area. (271)

Economic need

Concern that crofting is not viable and we are adding to problems for crofters seeking to diversify (that the Crofting Bill has started). This point is assumed rather than explicitly made. It is considered that croft land has been used to support the tourism industry through provision of B+B's, camping sites, and self catering units. It is believed that tourism itself would suffer if people are prevented from building holiday accommodation on their croft. This helps sustain the economy of small villages. (531)

How we implement the policy

Query whether it can be clarified in the policy if agricultural land is still to be classified using the McCauley institutes land classification system or will locally important agricultural land be the guide. It is considered that Planning officers are not qualified to grade land locally so there needs to be an alternative. It is felt that the present method of classifying land using the Macaulay institute guide does not safeguard the better land because most croft land in the Highlands is unimproved and can only become good quality land again through improvement. (216)

Support of the policy

Generally supportive of the policy as crofting needs to be explicitly taken into account when determining planning applications. (519)

They welcome this policy proposal to address problems from access to common grazings becoming impeded, access for tractors or vehicles to work croft land becoming impeded, and loss of the only available good land on the croft or in the crofting township. (216)

Considers that land should be investigated to its agricultural benefit before awarding planning permission. Feels that it is important to avoid unscrupulous crofters benefiting at the expense of potential crofters/community. (368)

Population retention in the crofting counties is an aim of the Crofters Commission. The Commission delivers this through its Regulatory powers, such as creating new crofts, division of a croft and assignation. This provides opportunities for both young people already in the locality to remain and for people outside the area to move in thus retaining and increasing the community population. Therefore planning regulations for new development in the countryside need to be flexible and not restrictive to sustain and enhance population in rural communities. (271)

The Commission welcomes the protection offered to agricultural land under Scottish Planning Policy. In particular the Commission would want to highlight the protection of croft inbye land as this a limited resource in the crofting counties. The value of this type of land in terms of agricultural production capability is classed as poor per the MacAulay Land Classification scale, but is of considerable productive value in relative terms for the crofting areas. Where possible the protection of inbye land is desired unless there is a wider community benefit obtainable through development on this class of land. The Crofters Commission are in agreement with policy statement 20.16.3. (271)

The Crofters Commission welcomes the recognition by the Council that it is important to assess the land quality and location where development is proposed. As previously stated in paragraph 20.15.2, inbye croft land is a limited resource and development has to be weighed against the loss of this resource. Additionally there needs to be consideration given to development in positional terms to avoid sterilisation of the remaining land. (271)

The Commission is not yet a Statutory Consultee, however a Statutory Instrument (SI) which is being prepared under the National Planning Framework may change this next year. The Commission's role in planning applications involving croft land will be determined through the SI

and the analysis of the pilot study with Highland Council Planning Department. (271)

In partnership with Highland Council Planning Department the Crofters Commission is looking to harmonise the process of decrofting with planning applications. A pilot study is being prepared with a proposal that when planning is being sought for development on croft land the Commission will look at the site in relation to any future decrofting application and give their views to the Planning Authority. The Commission may for example suggest the site sought for planning is relocated from good inbye croft land to an alternative site that will protect the better croft land or to ensure continuing workability of the croft. Ideally the Commission should be involved in all planning applications involving croft land but existing resources do not permit our involvement at this point in time to cover all areas. When the study is completed the Commission will be better placed to determine their role in planning applications involving croft land. (271)

Habitats Regulations Appraisal

SNH: As part of the Habitats Regulations Appraisal of the plan it is recommended that 4th bullet point is reworded. (118)

General Concerns

The policy does not mention the scandalous under-use, or non-use of existing crofting land by absentees. The significant extent of absenteeism is at odds with the 'productive use of land' as supported in para 20.15.1. It is felt that priority should be devoted to bringing this croft land back into productive use. (83)

They are concerned that the plan talks more about forestry than crofting and about the future for hill farming. They feel that forestry is an expensive and mediocre producer. (225)

Considers that planning officers need to be made aware through grazing committees/ local assessors of the quality of the land in relation to the croft itself or the whole township. There is also the option of planning officers being able to refer to specific crofts once the new Crofting Act is up and running through the content of the Grazings committees 5 year report being made available to them. These local reports could be made available to Highland Council through the Crofters Commission and could provide useful information. (216)

Modifications sought by those submitting representations:

Policy

Wildlife

Feels that Policy 48 needs to protect less agriculturally important land which is good for wildlife. The policy should also outline the limited types of development acceptable on croft land e.g. where it leads to the continuation of active crofting. (78)

Protect best land locally

Would like us to protect locally important farmland in the same way as locally important croft land. (174, 216)

Prime arable land

Does not want any allocation of good quality arable land. (452)
Support of plan/policy approach (assumed) (532)

Support of the policy

Support the policy. (216, 519, assumed for 368)

Support the policy but with concern about the weight given to existing settlement patterns see below. (271)

Siting and Design

Recommends a reword of bullet point 4 to read, "In terms of other policy considerations, such as accordance with settlement pattern or avoidance of any adverse effect on a natural, cultural or built

heritage feature, they can be considered acceptable.” (118)

Settlement Pattern

Seeks an amendment to remove or lessen the weight of existing settlement patterns as criteria. (assumed) (271)

Economic need

Remove or lessen policy protection of inbye land (assumed) (531)

Housing in the Countryside

Policies 48 and 49 make reference to hinterland areas, at present this policy only makes reference to Policy 49. Therefore we recommend reference is added to Policy 36 by amending the last bullet point “... and meet the criteria set out in Safeguarding Inbye/AppORTioned Croftland Policy 48 and New/Extended Crofting Township Policy 49”. (118)

Habitats Regulations Appraisal

SNH: As part of the Habitats Regulations Appraisal of the plan it is recommended that 4th bullet point is reworded. (118)

Summary of responses (including reasons) by planning authority:

Policy

Wildlife

The Council recognises that there is lesser quality agricultural land that is better from a wildlife perspective but there is appropriate protection of wildlife ensured through policies 58-61 of the plan. This policy is about protecting the best croft land, however when the planner is considering a planning application they will need to weigh up the impact on all of the policies of this plan before making their recommendation. The Council do not support having wildlife impact as the only consideration for assessing the appropriateness of a development proposal, or excluding agricultural value from the assessment.

Also the Council do not agree with RSPB that the only type of development suitable on croft land must directly relate to the working of that croft. Whilst crofting delivers many benefits it is not the only activity which provides social, economic and environmental benefits, and their needs to be a healthy rural population to support crofting activity. Therefore we agree with the Crofters Commission that population retention is important and that planning regulations for new development in the countryside needs to be flexible to sustain and enhance the population.

This policy tries to find the right balance between individual crofters, crofting as a whole and wider community interest. The policy ensures that multiple decrofts are only accepted in limited circumstances, and ensures good siting within the croft. This will tighten up on our consideration of crofting impact so that less inbye land is lost, and will ensure good siting, and therefore there should be less impact on crofting activities.

Siting and Design

With regards to SNH’s concern regarding the siting and design Supplementary Guidance and how this addresses crofting areas, we intend to address siting and settlement pattern issues more fully in future iterations of this Supplementary Guidance. It is intended that this will go back to May Planning Environment and Development Committee.

When considering the link suggested from SNH to this policy from policy 36 Housing in the Countryside it has come to our attention that there is a need for greater clarity as to what is meant by a single house proposal on a croft. The Council therefore commends a factual change to the policy in this regard.

Rewording bullet point 4 in the way suggested takes a different position to policy 58 Natural, Built and Cultural heritage policy which does not talk in terms of ‘avoidance of any adverse effect’. It is not felt that this policy needs rewording however if this bullet point is to be reworded then there

should be a direct reference to policy 58. Using the wording suggested would introduce conflicting policy approaches.

Prime arable land

There is concern expressed about the loss of prime agricultural land. Whilst the starting position will always be to consider the suitability of land outwith the prime classifications first, there are occasions where prime land will be required for development purposes. These locations can offer other benefits that can serve to outweigh the agricultural impact. If it is in the wider public interest to prefer this land for development as part of the spatial strategy then it is necessary. Whilst any loss of prime land is regrettable this is the approach the SPP (2010) supports and it has resulted in the allocations proposed within the A96 corridor which are essential to the Council's wider Vision and Spatial Strategy. The Highland wide Local Development states 20.15.2 that we will protect prime agricultural land in line with SPP (2010). However it is commended to the Reporter that this should be a policy rather than a statement to give this sufficient status.

Protect best land locally

The Council feels uncomfortable about extending the policy in this way. Crofting is distinct to other types of farming. It is felt that a separate planning policy is necessary to support the work the Scottish Government has progressed to support crofting. Small farms are not covered by the new Crofting legislation, and agricultural land is given its own protection through Scottish Planning Policy which protects prime land agricultural land (with reference to the MacAulay classification).

Also stepping aside from the arguments about whether farm land should be treated in the same way as croft land, the Council would have some difficulties in implementing the policy if it were to be extended in this way. This is because the current policy will be implemented with the Crofters Commission as a statutory consultee. We would not get the same information on the agricultural impact of the development proposal if it related to a small farm rather than a croft. The policy approach is reliant on the information received after agricultural assessment. This will be available through consultation with the Crofters Commission.

Settlement Pattern

The Council agree with the Crofters Commission that we need to consider whether relocating onto less good agricultural land can satisfy the other planning criteria (as an initial consideration). However the policy is written to protect the better croft land *where possible*, allowing the planner to balance the interests involved. There may be some different opinions when it comes to assessing individual proposals as the Crofters Commission may not put the same weight on settlement pattern issues as the Planning Authority. These cases will need to be considered on their merits sometimes it may be more appropriate to break somewhat from the existing settlement pattern and retain better croft land, but other times the opposite will be true. It is not considered that the policy should change.

Economic Need

With regards to the point made about balancing tourism and economic interests against loss of croft land, the policy tries to find the right balance between individual crofters, crofting as a whole and wider community interest. Therefore the policy recognises that where there is no alternative viable land (outwith inbye/apportioned land within the community), and where the proposal brings significant economic and social benefits to the community as a whole then development is acceptable in terms of this policy. We do not wish to allow individual crofters the opportunity to develop multiple house sites on better inbye land without first considering whether there is a way where development might be more appropriately accommodated without unduly compromising the important resource of inbye land.

Housing in the Countryside

When considering the link suggested from SNH to this policy from policy 36 Housing in the Countryside it has come to our attention that there is a need for greater clarity as to what is meant by a single house proposal on a croft. The Council therefore commends a factual change to the policy in this regard.

Response to how we implement this policy

Cumulatively single or small scale applications for housing can have a significant impact on the resource of locally important croft land. The need for a joined up approach with the Crofters Commission is therefore essential. The policy proposed comes out of our joint working with HIE and the Crofters Commission.

The Council agrees that the MacAulay classification is of limited use when considering croft land as it is a point in time assessment with the potential for under utilised croft land to be significantly improved through the crofter's efforts. Also the purpose of MacAulay mapping is not to try to assess what might be considered locally important croft land. In the 6 month trial for the Ross Skye and Lochaber area (excluding our Hinterlands), the Scottish Government Rural Payments and Investments Directorate will provide an agricultural assessment of the croft and the proposed house site. From this they will provide a response which will help inform the planning decision. This change will give more information on the crofting impact of the proposal to the planner. The Scottish Government have decided to make the Crofters Commission a statutory consultee so this approach can be rolled out.

Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

General Concerns

It is the Crofters Commission's role rather than the Councils to ensure effective use of croft land. The Act defines an absentee as a crofter who is not ordinarily resident within 32 kilometres of the croft. The Commission has to be satisfied that it will be in the general interest of that crofting community for the tenancy to be terminated and the croft let to another person. If you want more information on this work please contact the Crofters Commission.

With regards to the concern expressed about the balance of land use between forestry and farming this is not something we are addressing through the Highland wide Local Development Plan. When we review the Highland Forest and Woodland Strategy we will reassess the appropriateness of the locational policies and general policies to guide the planting of trees.

When the local reports from the grazings committees are available the Highland Council will refer to these when producing the Area Local Plans, and also potentially when dealing with planning applications.

Any further plan changes commended by the planning authority:

Reference to the potential acceptability of a single house should have made reference to the history of development on the croft and any subdivision of the croft. The current wording is ambiguous and should be made clearer as some may assume that through subdivision of a croft or through incremental single house proposals they meet the policy (even though this does not minimise the loss of inbye/apportioned croft land). Therefore the policy should be amended to add in brackets after single house proposals (with consideration given to the history of development on the croft and any subdivision).

Add policy for development on prime agricultural land.

Policy for Development on Prime Agricultural land

Development on prime agricultural land will not be permitted unless it is identified in the spatial strategy of the development plan or is necessary to meet an established need where no other site is available. Small scale development directly linked to rural businesses, including housing, may also be permitted. Renewable energy generation development or minerals extraction may be acceptable where restoration proposals will return the land to its former status.

Reporter's conclusions:**Further information received**

1. With regard to the first of the further plan changes commended by the Council, The Crofters Commission states that it views the regulatory process of division or letting of a part croft as effectively creating a new croft, which the commission and Scottish Government are promoting. Therefore the commission would not wish there to be a presumption against single house development where a croft is created by division or letting with commission approval.
2. The commission points out that the regulatory terminology for "subdivision" changed to "division" in the Crofting Reform Act 2007. It also draws attention to new controls being introduced by the Crofting Reform (Scotland) Act 2010.
3. The Council has clarified that the policy deals first with housing proposals then all development types. It suggests the following rewording to address this:

For housing proposals, these should be for single houses (with consideration given to the history of development on the croft and any division of the croft) and should accord with the Council's Housing in the Countryside and Siting and Design Supplementary Guidance. All proposals should where possible avoid ...

4. SNH has withdrawn its representation with respect to the 4th bullet point, subject to revised wording as found in Table 7 of the Habitats Regulations Appraisal Record.

ConclusionsClarification (representation 118)

5. The Council's suggested rewording of the policy (see paragraph 3 above) clarifies that it applies to all development types.
6. In relation to the 4th bullet point in the policy, I accept the amended wording now agreed between the Council and SNH for the reasons set out in further information received from SNH.

Wildlife (representation 78)

7. Policies 58-61 of the plan are designed to protect wildlife and they apply to croft land as to other land. Council planners will therefore be expected to balance such policy consideration alongside Policy 48 when assessing planning applications on croftland. The policy as proposed in the plan requires house development to avoid impeding use of the remaining croft land by virtue of its location. The RSPB urges a stronger line, limiting development to that which would lead to a continuation of active crofting. That would be an onerous requirement and could be difficult to assess. I also note that further criteria in the policy include that development should be acceptable in terms of compatibility with natural heritage features, among other things. The Council argues that the policy strikes a balance between various factors and allows for some flexibility and I see no grounds for disputing this.

Settlement pattern (representation 271)

8. The Crofters' Commission question whether compatibility of a development proposal with the settlement pattern may be an inappropriate criterion, exacerbating situations where development is no longer desired by the community in that area. However, this section of the policy requires there to be a proven/recognised wider community interest as well as considerations such as accordance with settlement pattern. Circumstances will vary and the policy takes account of valid planning criteria, such as settlement patterns, whilst allowing for planning judgement, and the flexibility which the Commission states that it wishes. I therefore see no justification to amend this aspect of the policy.

Economic need (representation 531)

9. The policy seeks, quite reasonably, to strike a balance between various interests including those of crofters and crofting, the wider community interest and economic viability, including tourism ventures. I therefore see no need to amend the policy to favour economic considerations.

Housing in the countryside

10. There have been no representations objecting to addition of the Council's proposed phrase in brackets. It clarifies the Council's position, whilst allowing case by case consideration. The term "division" should be substituted for "subdivision" to accord with recent legislation.

Changes to Supplementary Guidance on Siting and Design (representation 118)

11. Changes to supplementary guidance fall outwith the scope of this examination, which relates to the proposed local development plan only.

Prime agricultural land (representations 452, 532)

12. The Council commends a further change to the plan comprising the addition of a policy for development on prime agricultural land (in place of a statement in the supporting text at paragraph 20.15.2). I note that the proposed wording for that policy is very close to that in paragraph 97 of Scottish Planning Policy. I also note the statement in Circular 1/2009 that "Scottish Ministers expect LDPs to be concise map-based documents that focus on their specific main proposals for the period up to year 10 from adoption." I therefore consider that the proposed policy adds nothing of substance to the statement of national policy and does not reflect the Ministers' expectation that plans will focus on specific main proposals for the area.

Protecting the best land locally (representations 174, 216)

13. I agree with the Council that crofting is distinct from other types of farming, and that it is appropriate for Policy 48 to relate to croftland only. However, the representation could, in principle, be addressed by an additional policy for agricultural land in general. The policy protection for prime agricultural land contained in Scottish Planning Policy would not assist the lower grade land of concern to Glen Urquhart Community Council. As matters stand, the potential loss of the best local agricultural land could be a material consideration in the Council's determination of any planning application. But the Council evidently does not regard it appropriate to frame a policy for the protection of such land, and has concerns over the need to require proper agricultural assessment in support of such a policy. That is a legitimate exercise of the Council's judgement and I have no evidence to justify disturbing it.

General concerns (representation 83)

14. Concerns about absentee crofters and about the balance of land use between crofting and forestry fall outwith the scope of this examination.

Reporter's recommendations

I recommend the following modifications:

1. The 4th bullet point of the policy should read:

In terms of other policy considerations, such as accordance with settlement pattern or impact on a natural, built or cultural heritage feature, they can be considered acceptable.

2. The second sentence and part of the third sentence of the policy should read:

For housing proposals, these should be for single houses (with consideration given to the history of development on the croft and any division of the croft) and should accord with the Council's Housing in the Countryside and Siting and Design Supplementary Guidance. All proposals should where possible avoid ...

Issue 49	New/Extended Crofting Townships	
Development plan reference:	Policy 49 (Para 20.18, Page 95)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (SNH) (118) Joyce Wilkinson (216) Kincaig & vicinity Community Council (225) Crofters Commission (271) Boyd Brothers Haulage (438) S & A Corbett, A & A Currie, W & K MacKenzie (519)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>On use of Section 75's and similar mechanisms to retain the house within crofting tenure</u> Would like to see housing development in windblown forestry areas, because they have good roads. Setting up of croft or crofting townships should be considered environmentally, economically and socially important. Feels that there should be no Section 75 Agreements on croft houses. (225)</p> <p>Considers that due to the difficulties in securing financial aid to build croft houses without first decrofting the site of the house the Commission has no mechanism to ensure that houses will be retained within crofting tenure and not sold on the open market. (271)</p> <p><u>On landscape and natural heritage issues</u> In bullet point 1 of the policy the wording landscape form and character is confusing. (118)</p> <p>Bullet point 10 should also refer to EIA regulations related to agriculture. (118)</p> <p>Bullet point 11 should highlight the importance of density of housing in crofting communities. (118)</p> <p><u>Applying this criteria to all development in crofting areas</u> Considers that using Highland Council's own siting and design guidelines in a National Scenic Area would have prevented the siting of very large out of scale properties next to traditional croft houses, situating them in the centre of the only inbye ground, and providing them with excessive garden areas. Applying the policy criteria for new townships to any future planning in existing ones should address this ongoing situation. Considers that the character and appearance of the Highland crofting counties is very quickly changing due to the misinformed decisions of local planning officers, some who have admitted it was a mistake to have allowed the large and imposing out of scale retirement properties in a small scale crofting environment, but have to continue to allow them based on the applicants argument to planning that the larger out of scale properties are now the norm.</p> <p>Considers that applying even some of the criteria for the Policy on planning for new townships to existing townships, even in National Scenic Areas or any area designated as having scenic value, would bring all of the Highland crofting counties planning under one planning policy umbrella and give uniformity of character, enhancing the Highlands for those who live in them and visit them instead of destroying the natural beauty. The objector believes that there is benefit in applying the same criteria proposed for any new township development to any future planning in existing townships, especially those found in national scenic areas and other designated areas. (216)</p>		

Role of Private landowners

They feel that private land owners should be encouraged to create crofts or woodland crofts rather than relying on community buyouts. They feel that ability to live in a woodland and manage land in a croft style should be encouraged but not deterred by policy. (438)

Acceptability only through the Development Plan Process

As with policy 39 SNH would expect that any proposal for a new/extended crofting township should be brought forward through the area Local Development Plan Process. (118)

Support of the policy

Notes that spare-time crofting has great potential for sustaining viable populations in rural areas. Also notes Easter Ross in particular as it contains many from a crofting background who may feel crofting offers an ideal environment in which to raise a family. They are convinced that the positive treatment of crofting will result in positive outcomes from the planning (519)

The Commission encourages the expansion of crofting opportunities through the creation of new crofts. By doing so it will seek to enhance and consolidate rural communities, support community cohesion, enable beneficial and diverse settlements. Included in this will be the capacity to create different models that encourage land based activities, such as woodland crofts.

They consider that applications for the creation of new crofts or crofting communities must be supported by a development plan outlining the purpose of the croft(s), proposals for the working of the new crofts including access to existing infrastructure and services, the anticipated social and economic benefits, and benefit to the wider public interest. The Commission will normally contact the local Planning Authority when considering applications to create new crofts. (271)

Habitats Regulations Appraisal

As part of the Habitats Regulations appraisal of the plan bullet point 2 should be augmented with additional phrase on designated sites. (118)

Modifications sought by those submitting representations:On use of Section 75's and similar mechanisms to retain the house within crofting tenure

Remove use of a mechanism to ensure that houses will be retained within crofting tenure and not sold on the open market (225) (271 assumed).

On landscape and natural heritage issues

Para. 20.17.1 first sentence amended to, "in terms of policy considerations, such as accordance with settlement pattern or avoidance of any adverse effect on a natural, cultural or built heritage feature, they can be acceptable." (118)

To differentiate between increasing the number of crofts as opposed the number of houses without associated crofts para. 20.17.1 first sentence should be reworded. (118)

The outset of the policy should make reference to supporting new and extended crofting townships where there is demonstrable demand and need for additional crofts. (118)

Policy should commence as follows, "Subject to the following, the Council supports the creation of new crofting townships and the extension through additional crofts of existing townships where there is demonstrable demand for additional crofts within the local community." In addition the start of the paragraph on hinterland areas should be amended to read, "In addition to local demand, proposals should also demonstrate a wider public interest..."(118)

First bullet point should be reworded to state, "compatibility with landscape character, including landform and landscape pattern, having regard to existing crofting settlements." (118)

Move bullet point 7 to hinterland section of policy. (118)

Bullet point 10 to be augmented to read, “where deforestation of an area is required, or the proposal involves the large scale restructuring of agricultural land or use of uncultivated/semi-natural areas for intensive purposes, then an Environmental Impact Assessment (EIA) may be required.” (118)

Bullet point 11 augmented to read, “...focussing on issues such as the preferred density, siting, design and layout of buildings.” (118)

Apply the policy criteria for new townships to any future planning in existing ones. (216)

Applying this criteria to all development in crofting areas

Unsure as to the modification sought (216)

Role of Private landowners

Feels that the policy should be more supportive for private landowners (assumed) (438)

Acceptability only through the Development Plan Process

Suggests that the end of policy is augmented with following sentence, “The detail of any proposal for a new/extended crofting township should be brought forward through the area local development plan process.” (118)

Habitats Regulations Appraisal

Suggests that the second bullet point of policy augmented with, “...including the avoidance of negative impacts on designated sites.” (118)

Summary of responses (including reasons) by planning authority:

On use of Section 75's and similar mechanisms to retain the house within crofting tenure

The use of a Section 75 should be sparing, and where there is an alternative mechanism which secures the tie of the croft to its house then this should be pursued instead. For instance in the sale of land to the crofter the title deeds could make explicit the tying of the house to the croft to ensure they could not be sold independently later.

The Council defend the need to use a Section 75 in some circumstances but a bankruptcy clause will be inserted to give any lender comfort. There is a need for this type of restriction within the Hinterland areas, as they are our pressurised countryside where we do not wish to generally encourage additional housing in the countryside. The associated housing to the new crofts is justified if the crofts bring sufficient wider public benefit but it is not desirable to the Council to allow additional houses on these crofts.

With regards to the merit of using a mechanism (within and outwith the Hinterland) which ensures that houses will be retained within crofting tenure and not sold on the open market, this is less clear. It is recognised that it is difficult to secure funding for the house if the plot is not de-crofted, and once de-crofted it is not under crofting tender. In terms of supporting crofting there is recognition that under Crofting law any absentee crofter could find their croft let to another crofter to ensure effective use of the land. The Crofters Commission also have discretionary powers to terminate a crofters tenancy if they live outwith 16 kilometres and there is a duty to live within 32 km of the croft. Whilst the ideal is that you live and work on the croft it is not essential for the working of the croft and the Crofters Commission is putting an enhanced emphasis on regulation to ensure purposeful use.

In the current economic climate with lending increasingly difficult to secure, and with an enhanced emphasis on regulation within the Crofters Commission if the reporter is minded to amend the wording of this policy to remove this requirement then the Council understands.

In hindsight when compared to our policy 48 for protecting inbye land it takes a more restrictive approach for the new crofts. Our policy 48 recognises that in certain circumstances (limited development minimising impact on inbye land, or if there is no alternative site of less agricultural

value in the community and it is in the wider public (community) interest, there may be justification for development on your croft. If we were to tie all new crofts created to their houses then it does protect the purposeful use of the croft, but perhaps too restrictively.

Role of Private Landowners

The potential role of private landowners is acknowledged. The policy recognises the benefit if longer term benefits are to be secured (community ownership is not essential just an example). The examples given are just that and are not suggested to be definitive. If it is a private landowner who establishes new crofts within our hinterland area they may establish wider public interest partly by providing a high proportion (or them all) as affordable housing. Their whole proposal with all the wider public benefits it brought would need to be assessed to see if it justifies an exception to the otherwise restrictive approach to housing in the countryside within this area.

Acceptability only through the Development Plan Process

Whilst we hope that the majority of new crofting settlements come through the development plan process we acknowledge that some flexibility is useful so that opportunities for community buyout are not lost because of unfortunate timing with the development plan process. After all securing funding will rest partly on the basis of securing development plan support or planning permission.

The criteria policy ensures that the Highland Council's approach to considering these applications is transparent and can be objected to at this stage. Also because it is not in the development plan the Council will have greater expectations on the community consultation.

Furthermore we intend to encourage these proposals through our major applications pre application process. This service offers advice on a wide range of issues and allows for any difficult issues to be ironed out up front. This way we can make sure that community consultation is built into the process early, as well as ensure that a full assessment has been made of the potential impact on existing infrastructure and identify what new provision might be required.

Natural, Built and Cultural Heritage

Generally unconcerned about the suggestions made for the rewording if the Reporter is minded to support them. However there are a few of them that raise concerns.

Rewording 20.17.1 and the 2nd bullet point in the way suggested by SNH takes a different position to policy 58 Natural, Built and Cultural heritage policy which does not talk in terms of 'avoidance of any adverse effect'. It is not felt that this policy needs rewording however if this bullet point is to be reworded then there should be a direct reference to policy 58. Using the wording suggested would introduce conflicting policy approaches.

Also whilst local demand is a prerequisite for a new or extended crofting townships a change to the policy is not considered necessary. It is essentially the applicant and perhaps the Crofters Commission's concern to establish the demand.

Regarding concerns about fit with landscape character and design of new houses our new Siting and Design Supplementary Guidance is to be applied throughout the Highland Council area and will bring a consistent approach. Also our new Landscape policy with accompanied training in using Landscape Character Assessments should help in this regard.

Habitats Regulation Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

Any further plan changes commended by the planning authority:

Natural, Built and Cultural Heritage

To make it clearer the first sentence of 20.17.1 could read, "The Council wishes to support the creation of new crofting townships and significant extensions to existing ones (with associated housing) where circumstances allow."

On use of Section 75's and similar mechanisms to retain the house within crofting tenure

“the use of a mechanism which ensures that houses will be retained within crofting tenure and not sold on the open market” could if the reporter is minded be amended to “The Council will require within the Hinterland of towns and sometimes within a sensitive area such as a National Scenic Area the use of a mechanism which ties the house to its croft (so that they cannot be later sold independently).”

Reporter's conclusions:**Further information received**

1. SNH has withdrawn its representation in relation to the 2nd bullet point on the basis that this matter has been screened out in Table 2 of the Habitats Regulations Appraisal Record as being too general to have more than a nil or minimal effect on Natura sites.

ConclusionsUse of section 75 and similar mechanisms to retain house within crofting tenure (representations 225, 271)

2. No reasons have been offered in support of the contention by Kinraig and Vicinity Community Council that croft houses should not be subject to section 75 planning obligations (formerly known as planning agreements). I am satisfied that, in appropriate circumstances, a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or a similar mechanism is required in order to retain houses within crofting tenure, especially given the Crofters Commission's concerns that its ability to do so is undermined by pressures for decrofting. Current funding mechanisms and the current economic climate will no doubt be aggravating that problem.

3. That said, the Council is obviously alive to the difficulties of funding the erection of new houses on crofts and has measures in mind to ease the problem. It is also now seeking more flexibility in the application of its policy, and thereby more consistency with Policy 48.

Natural, Built and Cultural Heritage (representation 118)

4. The new introductory sentence to paragraph 20.17.1 now commended by the Council states general support for housing associated with new or extended townships. Since it adds clarity without changing the thrust of the policy, it is acceptable.

5. As I have not been made aware that there are any speculative proposals for new or extended townships, I see no necessity for the policy to refer specifically to local need and demand.

6. Rewording of the 1st bullet point as suggested by SNH would make the policy clearer.

7. The additional phrase suggested by SNH for the 2nd bullet point is required in connection with the Habitats Regulations Appraisal, and is acceptable.

8. The first sentence of the 7th bullet point relates to hinterland areas only and should be moved to that section of the policy. The remainder of that bullet point will then require rewording.

9. The amended wording suggested by SNH for the 10th bullet point would draw attention to the need for Environmental Impact Assessment in relation to agriculture as well as forestry.

10. The amended wording suggested by SNH for the 11th bullet point would add a reference to the density of buildings. This is an important characteristic within crofting settlements.

11. I note that the above changes to bullet points have not given rise to any concern from the Council.

Acceptability only through the development plan process (representation 118)

12. SNH argues that new crofting settlements should require to come forward in the same way as

other new settlements, namely through the area local development plan process. However, the Council envisages that new settlements will have a population of at least 500. That is an entirely different scale from new crofting settlements, and it could be onerous to apply the same requirements. Apparently the Council expects community buy-outs to play a part in the formation of new crofting settlements. In that case, I accept that proposals for new crofting settlements could come forward at an awkward time in relation to the development plan process. In particular, it might not be possible for community buy-out opportunities to be held over until such schemes could be incorporated into a local development plan. I also note the Council's greater expectations for community consultation where a proposal is not foreshadowed in the plan. For these reasons, I accept the Council's position.

Role of private landowners (representation 438)

13. The policy does not distinguish between the role of private landowners and that of any other party in establishing new crofts. I have been given no grounds for amending the policy to encourage the creation of new crofts by private landowners as against their creation by any other individuals or groups.

Design (representation 216)

14. Application of the Council's Housing in the Countryside and Siting and Design Supplementary Guidance to new houses in crofting townships should address the representor's concerns about inappropriate developments.

Reporter's recommendations:

I recommend the following modifications:

1. The first sentence of paragraph 20.17.1 should be rewritten as:

The Council wishes to support the creation of new crofting townships and significant extensions to existing ones (with associated housing) where circumstances allow.

2. A new paragraph should be added after the first paragraph of the policy (under the heading "Within the hinterlands of towns"):

A planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, or a similar mechanism, will be used to tie new development to its associated land holding.

3. The 1st bullet point should read:

- compatibility with landscape character, including landform and landscape pattern, having regard to existing crofting settlements.

4. The 2nd bullet point should read:

- impact on natural, built and cultural heritage features, including the avoidance of negative impacts on designated sites.

5. The 6th and 7th bullet points should be merged to read:

- where a proposal is located within a sensitive area, such as a National Scenic Area, a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, or a similar mechanism, may be used to tie the new development to its associated land holding.

6. The 10th bullet point should read:

- where deforestation of an area is required, or the proposal involves the large scale restructuring of agricultural land or use of uncultivated/semi-natural areas for intensive purposes, then an Environmental Impact Assessment may be required.

7. The 11th bullet point should read:

- a masterplan for the entire development area, focussing on issues such as the preferred density, siting, design and layout of buildings (with reference to the Council's Housing in the Countryside and Siting and Design Supplementary Guidance) and associated infrastructure and services.

Issue 50	Coastal Development	
Development plan reference:	Policy 50 (Para 20.20, Page 96)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Joan Noble (67) Laid Grazings Committee (83) Scottish Natural Heritage (SNH) (118) Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Sportscotland (320) Scottish Environment Protection Agency (SEPA) (326) Raghnall Craighead (400) Lochaber Partnership (452)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>General comment</u> In response to the Main Issues Report Sportscotland's main policy interests were commented upon and suggestions put forward to ensure that sporting interests are considered within the Local Development Plan. Overall Sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)</p> <p><u>Policy</u> Laid Grazings Committee support this policy. (83)</p> <p><u>Impact on views</u> They are concerned about the impact of development on the landward side of the road on scenic views, and seek amendment to the policy to acknowledge this. (400)</p> <p><u>Positive policy for coastal development</u> They consider that the Council should develop a policy context which allows appropriate development for ferries, marinas, fish-farm infrastructure etc (452)</p> <p><u>Coastal flood risk</u> In broad terms they generally support the policy for coastal development as it provides an appropriately flexible policy framework to support the potential coastal development required to support the offshore marine renewables industry, as well as the associated transmission infrastructure requirements. However they suggest that certain coastal development required to support the renewables industry can take place in areas which are at risk from coastal flooding. (268)</p> <p><u>River Basin Management Planning</u> SEPA object to the wording of this policy unless the additions shown in the modifications sought are made. This is in order to meet the objectives of River Basin Management Planning and the Water Framework Directive. In order to meet the requirements of the Water Framework Directive (200/60/EC), planning authorities are designated "responsible authorities" by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration and (ii) promoting</p>		

improvements in the water environment in order that all water bodies achieve “good” ecological status by 2015. (326)

Marine Non-Native Species

SEPA note that reference is made to The Highland Coastal Development Strategy (HCDS) May 2010 and that neither this document nor Policy 50 in the Development Plan makes any reference to Marine Non-Native Species. They point out that the risk to coastal waters and native species, from non native species is of increasing concern to them and other agencies. Coastal Planning Authorities such as Orkney are currently developing policies for Ballast Water Management which will in part address this issue. They consider this to be of particular relevance to the Moray, Cromarty and Pentland Firths. (326)

Coastal Development Delnies

It is felt that although the national policy context (NPPG13) has changed the coastal classification and strategic vision of the HCDS remain relevant. The strategy should therefore provide useful information and guidance.’

The Delnies development lies entirely within the ‘Undeveloped category’ (Map 6) and therefore there it is considered that there should be no development there unless ‘the proposal will have economic and social benefits that outweigh any potentially detrimental impact on the coastal environment and there are no feasible alternative sites within existing settlements or on previously developed land.’ It is felt that neither of these conditions applies in the Delnies case.

In their summary of Issues and Recommended Responses the Council claimed that the ‘undeveloped coast ‘category had been ‘abandoned’. However it is considered that the HCDS (May 2010) shows this is not the case and that they are therefore contravening their own strategy. (67)

Habitats Regulations Appraisal

As part of the Council’s Habitats regulations appraisal the wording of the policy regarding conservation should be made more explicit. (118)

Modifications sought by those submitting representations:

Policy

Impact on views

In the policy after the following sentence “The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views: unless a coastal position is necessary, or of the effect would be a conflict with the existing settlement pattern” add “The area protected may extend to include contiguous ground on the landward side of the road where it is considered an integral part of the scenic view to be protected”. (400)

Positive policy for coastal development

Representation does not identify modification sought, but seeks a policy context which allows appropriate development for ferries, marinas, fish-farm infrastructure. (452)

SNH wording changes proposed

Second sentence of policy should be augmented to include, “...and should not have an unacceptable impact on the natural, built or cultural heritage and amenity of the area.” (118)

Suggests a reword of the third from end sentence of the policy to read, “Other important factors will be potential impacts on landscape character and wildness qualities, impacts on coastal habitats and species and effect on the setting of coastal communities.” (118)

Replace eurosion with erosion. (118)

Coastal flood risk

It is recommended that certain coastal development required to support the renewables industry should be able to take place in areas which are at risk from coastal flooding. (268)

River Basin Management

SEPA object unless the changes shown in emboldened text are made. The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views: unless a coastal position is necessary, or if the effect would be a conflict with the existing settlement pattern. Where development on the coast is justified, opportunities for the development or reuse of previously used land and buildings should be considered in the first instance, **along with biodiversity enhancements where opportunities exist**. The site should not be at risk from **coastal** erosion or ~~flood risk~~ **flooding**, or cause an unacceptable impact as a result of natural coastal processes which it triggers or accentuates. Erosion data should be consulted when determining whether natural coastal processes have potential to be an issue. Other important factors will be potential landscape impact, and effect on the setting of coastal communities. Consideration will be given to the potential for any proposal to result in coalescence **of development along the coastline in line with River Basin Management Planning objectives**. Proposals will be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance.” (326)

Marine Non-Native Species

SEPA recommend that the Council amends the Coastal Development Strategy to provide guidance on how the plan will contribute to minimising the spread of Marine Non-Native Species (MNNS) in the Highland coastal zone. This is because the introduction of MNNS into coastal waters as a result of unregulated water ballast transfer or other mechanisms could potentially result in a downward classification of the water environment in coastal waters contrary to the objectives of the Water Framework Directive which came law through the Water Environment and Water Services Act (Scotland Act 2003) and which seeks “*improved protection and enhancement of the water environment leading to a cleaner and healthier water environment*”. (326)

Coastal Development Delnies

Remove mixed use allocation at Delnies. (assumed)(67)

Habitats Regulations Appraisal

As part of the Council’s Habitats regulations appraisal the wording of the policy regarding conservation should be made more explicit. (118)

Summary of responses (including reasons) by planning authority:Affect of landward development on scenic views

It is understandable to be concerned about landscape impact on the landward side of the road. However the Council does not support this suggested addition to the policy. The protection of the seaward side of the road relates to protecting views over open water, development on the landward side will not impinge on this. However the general issue of impact on the landscape is covered through Policy 62 Landscape and our Siting and Design Supplementary Guidance.

SEPA wording changes

Reference to River Basin Management Planning objectives is not considered a strictly essential addition to the policy as this is covered in Policy 64 Water Environment. Biodiversity is also covered through Policy 60 Other Important Species and through Supplementary Guidance. The plan states (18.2), “that each planning application will be assessed against all policies and legislation relevant to the particular proposal and location.” However the Council is not unhappy with the wording suggested.

SNH wording changes proposed

The Council is happy with the majority of the proposed revised wording if the reporter is minded to recommend it. However eurosion is not a typo and the Council wishes this reference to eurosion data to remain.

Positive policy for coastal development

The Council considers that the current policy framework is flexible and fit for purpose. The policy

will not unnecessarily impede development but still has to provide appropriate provisions for our environment.

Coastal flood risk

It is unclear what types of development the objection refers to but there will be scope for development which is compatible with flood risk as the Council and SEPA have previously accepted that water based uses are acceptable on allocations within medium to high flood risk areas and equally sub sea cables would not present any issue. For other infrastructure if a specific location is essential for operational reasons or if it cannot be located elsewhere then mitigation is required but the development is considered acceptable (SPP (2010) context). The Council does not feel that policies need to be amended as development that is acceptable within the medium to high flood risk areas will be an exception and we can refer to the SPP (2010) in these instances.

Marine Non-Native Species

The Council feels that having the Water Environment policy in the Highland wide Local Development Plan gives us a sufficient hook to deal with this issue. The Council will seek advice from SEPA/SNH and consider any future national policy or guidance when assessing proposals. The Council supports the effort to recognise this issue upfront at the planning application stage ensuring that other regulatory regimes are considered early on. However the Planning Authority will need to be careful that it follows the tests set out in Circular 4/1998 as there are issues that need careful assessment before adding any condition on this matter to a planning consent.

However if the Reporter is minded to suggest that the Council produces specific policy on ballast water management then it is felt that the best place to have guidance on minimising the spread of Marine Non-Native Species (MNNS) would be through the Coastal Development Strategy.

Coastal Development Delnies

The Government policy has changed insofar as the “Undeveloped” category has been abandoned. However in the SPP (2010) the Isolated Coast remains as a category where there is expected to be a presumption against development. Therefore the Highland wide Local Development Plan identifies Isolated Coast as a local and regionally important feature and offers policy protection within Natural, Built and Cultural Heritage Policy 58.

The Delnies area west of Nairn lies within the undeveloped coastline. Previously in the now replaced NPPG 13 the undeveloped coast line did suggest an approach to considering the appropriateness or otherwise of development within this category, however it did not rule out development within these areas it just ensured that the development is appropriate and that other options are assessed. The rationale for this allocation is covered within the schedule 4 for Policy 17 Delnies.

The coastal classification element of the Highland Coastal Strategy was carried out prior to the SPP (2010) replacing NPPG13, therefore this mapping is included as an appendix to the document. However within the Highland Coastal strategy there is no attempt to introduce policy as per NPPG 13 as this has been superseded by the SPP (2010).

Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

Further information received

1. In response to a request from the reporter, the Council has submitted the following text setting out the main principles of its Coastal Development Strategy:

Proposals will be assessed against the requirements of the Highland Coastal Development Strategy. The principal aims of the strategy are to:

- guide the sustainable development and use of Highland's coastal zone whilst safeguarding its natural and cultural heritage assets
- provide a strategic planning framework for the coast and nearshore area of Highland which takes account of national policy guidance and the need for more detailed plan coverage in appropriate areas
- complement the statutory terrestrial elements of the evolving Highland-wide Local Development Plan, the new Scottish Planning Policy and the implementation of the Marine (Scotland) Act 2010 This recognises that the use of nearshore waters (particularly the more sheltered water) is relevant and often closely related to the use of the land adjacent
- provide strategic vision and guidance for development on and around the Highland coast, i.e. development in the planning sense
- provide a classification of the Highland coast relevant to development in the nearshore area.

2. SNH has withdrawn its representation with respect to the term "conservation" in the second sentence of the policy on the basis that mitigation is to be added as indicated in Table 7 of the Habitats Regulations Appraisal Record.

Conclusions

Supplementary guidance (representation 324)

3. The Scottish Government representation invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In this instance, I considered that further text was required, setting out the main principles of the proposed Highland Coastal Development Strategy: Supplementary Guidance. I find that the text submitted by the Council is satisfactory.

Impact on views (representation 400)

4. As the Council explains, Policy 50 aims to protect scenic views over open water as seen from coastal roads. Protection of views on the landward side of coastal roads is covered by Policy 62: Landscape and the Housing in the Countryside and Siting and Design: Supplementary Guidance. It is not therefore necessary to extend the protection afforded by this policy to the landward side of such roads. However, the policy should be clarified to explain its aim.

Positive policy for coastal development (representation 452)

5. I accept the Council's position. The policy represents a flexible tool to assess coastal development. It allows for a balance between promoting suitable development and protecting the environment.

Coastal flood risk (representation 268)

6. The policy requires that development sites should not be at risk from flooding. As is pointed out for Scottish and Southern Energy, some types of coastal development required to support the renewables industry, such as components of the transmission network, could take place in areas of flood risk. I do not accept that reliance should be placed on previous decisions of the Council and SEPA to allow water-based uses on land of medium to high flood risk, nor that reliance could be placed on Scottish Planning Policy, as exceptions. Especially where such instances are foreseeable, as here, the policy should plainly set out such exceptions.

River basin management planning (representation 326)

7. The requirements of the Water Framework Directive and river basin management planning are set out under Policy 64: Water Environment, Policy 60: Other Important Species and associated supplementary guidance. As stated in paragraph 18.2 of the plan, proposals are to be assessed in relation to all relevant policies of the plan. It would therefore not be appropriate to duplicate references.

8. The Council does not object to any of SEPA's suggested rewording, including its changes to the third sentence of paragraph two, which I find to be more precise.

Marine non-native species (representation 326)

9. This representation is dealt with under Policy 64: Water Environment.

Coastal development at Delnies (representation 67)

10. The representation of Dr Noble relates to development at Delnies and is dealt with under Issue 17 (Policy 17: Delnies).

Habitats Regulations Appraisal (representation 118)

11. The word "conservation" in the second sentence of the policy should be replaced with "Natural, Built or Cultural Heritage" as set out in the Habitats Regulations Appraisal Record.

Euroasion (representation 118)

12. As the Council points out, the word "Euroasion" is not a typographical error, but the name of a European initiative for sustainable coastal erosion management. However, as it is an unfamiliar term, it would be helpful to explain it in the text.

Reporter's recommendations:

I recommend the following amendments:

1. The second sentence of the policy should be amended to read:

Proposals should not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area.

2. In the second paragraph, the first sentence of the policy should start:

The Council will promote the landward site of the road for development where proposals on the coastal side would otherwise interrupt scenic views over open water ...

3. In the second paragraph, the third sentence should start:

The site should not be at risk from coastal erosion or flooding, ...

4. In the second paragraph, after the third sentence, the following should be added:

In relation to medium or high flood risk areas: water-based uses and sub-sea cables may be acceptable; and essential infrastructure, which cannot be located elsewhere, may be acceptable, both subject to mitigation, as appropriate.

5. The last sentence of the policy should be deleted, and the following text added:

Proposals will be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance. The principal aims of the strategy are to:

- guide the sustainable development and use of Highland's coastal zone whilst safeguarding its natural and cultural heritage assets
- provide a strategic planning framework for the coast and nearshore area of Highland which takes account of national policy guidance and the need for more detailed plan coverage in appropriate areas
- complement the statutory terrestrial elements of the Highland-wide Local Development Plan, Scottish Planning Policy and the implementation of the Marine (Scotland) Act 2010. This recognises that the use of nearshore waters (particularly the more sheltered water) is relevant

and often closely related to the use of the land adjacent

- provide strategic vision and guidance for development on and around the Highland coast, i.e. development in the planning sense
- provide a classification of the Highland coast relevant to development in the nearshore area.”

Footnote

The Council may wish to explain the name “Eurosion”, possibly within the glossary.

Issue 51	Aquaculture	
Development plan reference:	Policy 51 (Para 20.22, Page 97)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Laid Grazings Committee (83) Scottish Natural Heritage (SNH) (118) Scottish Council for Development and Industry (SCDI) (180) Scottish Environment Protection Agency (SEPA) (326) Scottish Salmon Producers Organisation (404) Lochaber Partnership (452) Sally Davies (458) Marine Harvest Scotland Ltd (467)</p>		
Provision of the development plan to which the issue relates:		
Planning authority’s summary of the representation(s):		
<p><u>Supporting text</u> 20.19.2 – They consider that this implies all development associated with finfish farms are likely to have significant environmental impacts. However this can only be determined by an Environmental Assessment and this statement is not considered to be an accurate reflection of the proportion of current applications that require an Environmental Statement. (404, 458, 467)</p> <p><u>Policy</u> SEPA support this policy. (326)</p> <p><u>How policy aligns with the SPP</u> They feel that the policy is couched in negative, restrictive and constraining terms. The wording of the policy does not reasonably reflect Scottish Government’s policy guidance (SPP paragraph 104) SPP (2010). Government’s emphasis on aquaculture wants Councils to positively enable and facilitate the growth and development of the industry. They are concerned also that some of the factors listed in the guidance as to be taken into account in a planning decision (benthic impacts for example) are covered by other regulatory regimes. They feel that it is inefficient, unnecessary and contrary to Scottish Planning Policy to duplicate other control regimes. (404, 467).</p> <p><u>Positive policy</u> SCDI welcomes the identification of aquaculture as a key sector in the vision. In contrast, they believe that the Council’s policy could be expressed far more positively and – in line with the Scottish Government’s planning policies for the sector – further emphasise the enablement of sustainable production growth at new and existing sites, with consideration also given to the sustainable community benefits of this investment. (180)</p> <p>Lochaber Partnership believe the Council should develop a policy context which allows appropriate development for ferries, marinas, fish-farm infrastructure etc (452)</p> <p><u>Habitats Regulations Appraisal</u> As part of the Council’s Habitats Regulations Appraisal of the plan and to rectify an omission in the first series of bullet points a new bullet point related to designated sites and protected species should be added. (118)</p> <p><u>Minor wording changes</u> Several minor wording changes are suggested by SNH.</p>		

They believe that there should be reference to predator interactions. (118)

They consider that the second bullet point policy should make reference to consented aquaculture sites as some may be consented but not yet operation and cumulative affect may be an issue. (118)

They also consider that there should be explicit reference to good design of cages and longlines. (118).

They would like a cross reference to the Coastal Development Strategy: Supplementary Guidance. (118)

General comments on Aquaculture Framework Plans (AFP's)

They consider that the listed Loch Eriboll Aquaculture Framework Plan (AFP) is deficient and does not give any indication of the capacity of the loch to support present fishing and shell fishing activity far less any plan for the future. They note that the mussels on the loch have stopped breeding – and that the AFP for Loch Eriboll gives little guidance on this. They feel that Insufficient emphasis is given to: developing aquaculture opportunities. They welcome the support for fishing but recommend the Council prepare Aquaculture Plans more geared to the actual problems of fishing, present and future, for this is a sector which contributes significantly to the Highland economy. (83)

Modifications sought by those submitting representations:

Supporting text

20.19.2 They consider that it would be more correct to say they will be screened under the EIA regulations to see if an Environmental Statement is required. An Environmental Statement should not be required for every application (404, 458, 467)

How policy aligns with the SPP

They ask for a revision of the policy to make it more supportive of the industry and remove factors from the policy that are covered by other regulatory regimes (including benthic impacts). (458)

Greater emphasis is necessary on accommodating the growth of the aquaculture industry. Policy needs to take into account commercial, technical, logistical and financial constraints and the opportunities and benefits that can come from major investment in remote rural communities. (404, 467)

Positive Policy

The policy needs to be frame more positively (assumed) (180, 452)

Habitats and Regulations Appraisal

A new bullet point related to designated sites and protected species should be added. (118)

Minor wording changes

Add new bullet point to first series of bullet points, “Habitats and species, including designated sites and protected species. (118)

The fourth bullet point in the first series is unclear and requires clarification. (118)

Add bullet point to second series to read “navigation (including recreational). (118)

Second bullet point should read “existing and consented aquaculture sites.” (118)

The first bullet point in the third series should be augmented to include “...fish farm escapes, predator interactions and disease.” (118)

The second bullet point in the third series should be augmented to include, “good design of cages, lines and associated facilities (please refer to Marine Aquaculture and the Landscape...” (118)

At the end of the penultimate paragraph a cross reference should be added to the Council's Coastal Development Strategy (HCDS), "Proposals will also be assessed against requirements of the Highland Coastal Development Strategy: Supplementary Guidance." (118)

General comments on AFPs

Unclear what modification is sought, but feels that capacity information is insufficient. (83)

Summary of responses (including reasons) by planning authority:

Supporting Text

The Council feels that most finfish applications will require an Environmental Statement but if the reporter is minded to the Council has no concerns about the proposed change.

Policy

SEPA's support of this policy is noted.

How policy aligns with the SPP

It is unclear from the representation made what element of the SPP they feel it does not meet. However the Council does acknowledge that we have not produced spatial guidance for the whole of Highland area. For spatial guidance some features are difficult to map without a lot of research and refinement of background information such as navigational issues, settings of settlements (if not a simple buffer), natural anchorages, and recreational interests. The scale of the Highland's coastline makes producing meaningful spatial guidance for the whole Highland area an immense task. Highland accounts for nearly 50% of Scotland's mainland coastline.

Our approach is to ensure that the main areas of pressure are covered by the detailed and spatial analysis through provision of Aquaculture Framework Plans (Loch's: Sunart, Bracadale, Hourn, Inchard, Nevis) and an integrated Coastal Plan (the Two Brooms Area). This combines a spatial map based approach through the Aquaculture Framework Plans and coastal plans (where we can concentrate our resources to provide an appropriate level of detail), with a criteria policy to guide the small amount of proposals that come forward outwith these areas. Argyll and Bute Council have had their Local Plan recently adopted and have successfully incorporated a criteria based policy to supplement their integrated coastal plans.

A significant benefit of taking into account all relevant issues at the planning application stage is that weighing these up together allows us to more fully consider any proposal, and its suitability. For example the impact of any subsequent amendments to a proposal to improve impact on benthic or water column impacts also needs to be conscious of the other planning considerations which it may affect. This process ensures upfront consideration of all relevant issues rather than offering a planning permission with other regulatory regimes potentially becoming a stumbling block thereafter.

Positive Policy

The Council's policy is positively phrased but it is acknowledged that there are issues where the Council will expect suitable mitigation of impacts, and other issues will constrain the development opportunities in some locations. The policy test is based on ensuring no significant adverse effects, and the Council considers this to be positive whilst constraining development where appropriate. It ensures as per SPP 'new or modified fish farms in appropriate locations'.

Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

Minor wording changes

The Council are not concerned about most of the minor wording changes suggested, but there are a few exceptions.

Reference to the HCDS: Supplementary Guidance is made in the Coastal Development Policy. This policy will be referred to for every application on the coast regardless of the development type

therefore in an effort to keep the plan concise it is not considered that this reference should be reiterated within the Aquaculture Policy.

Every policy needs to be read in conjunction with all other relevant policies of the plan (18.2 of the plan). Therefore it would be preferable not to have a reference to habitats and species as this already exists in policies 59-61. To keep the plan concise the Aquaculture policy only deals with issues not already covered within other policies of Plan or when the general point is addressed but we require further specific explanation eg 'scenic and visual amenity with reference to SNH commissioned report: landscape/seascape carrying capacity.'

The Physical Constraints Supplementary Guidance will in due course cover navigational interests however it is acknowledged that there is no specific reference to navigational issues within the Plan itself so it is understandable that a direct reference is sought here.

General Comments on Aquaculture Framework Plans (AFP's)

When the draft AFP's are produced they are subject to consultation and any comments made are considered. Then a report of these comments and amendments to the AFP is taken back to our Planning Environment and Development committee for scrutiny before approval (with any member changes).

The AFP's have spatial policies which identify the general capacity of the area to support marine fish farming however there will always be detailed consideration at the planning application stage (and through an Environmental Statement if necessary).

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Further information received

1. The Council states that, as appropriate, it intends to adopt as supplementary guidance its second series of aquaculture framework plans and existing coastal plan, also any further aquaculture framework plans or integrated coastal plans which it produces.

2. It also submits the following text for addition to the policy:

The core principles of the Highland Council's aquaculture framework plans and coastal development plans are similar. However, coastal development plans cover all sectors and are relevant to proposals for all types of installations in coastal waters:

- to guide the location and scale of aquaculture development
- to ensure that development is environmentally sustainable
- to identify both opportunities and constraints so that developers have a realistic idea of the development potential and other interests which should be taken into account
- to provide an overview for the use of the coastal waters and to promote a balanced approach which can safeguard the area's core natural assets and sustain or enhance its productivity over the longer term
- to aim to guide investment, help in the evaluation of development proposals, and help to minimise conflicts of interest.

3. The Scottish Salmon Producers' Organisation and Marine Harvest (Scotland) Ltd explain that, in addition to planning permission from the local authority, aquaculture companies have to hold a CAR Licence (granted by SEPA), a Marine Licence (granted by Marine Scotland), and a lease for the seabed (granted by the Crown Estate). They contend that the terms of Policy 51 would increase the overlap in controls, over-complicating the process and creating the potential for conflict between this and Marine Plans. The policy does not mention SEPA's role in assessing potential benthic impacts of a proposed fin fish farm, and the on-going monitoring which forms part

of the CAR process. It is contended that the Council relies on assessment of the other criteria by Marine Scotland, rather than making its own assessment, as the policy implies. The Council should focus on those matters it is empowered to consider, and the policy should spell out those matters.

4. The Scottish Salmon Producers' Organisation argues that the policy over-emphasises environmental over economic and social factors; and that is too negative and does not sufficiently allow for expansion of the industry. It contends that there is inadequate guidance as to where outwith Aquaculture Framework Plans and Coastal Development Plans aquaculture development might be acceptable.

5. SNH has withdrawn its representation with respect to the addition to the first series of bullet points in the policy on the basis that mitigation is to be added in accordance with Table 7 of the Habitats Regulations Appraisal Record.

Conclusions

Supplementary guidance (representation 324)

6. The Aquaculture Framework Plans and Integrated Coastal Zone Management Plans are suitable topics for supplementary guidance, in line with the advice in Circular 1/2009. The Scottish Government representation invites reporters to examine whether there is a sufficiently full and clear policy objective on which this guidance is to be based. I consider that the principles set out in the Council's further information (above) provide an adequate policy context.

Supporting text (representations 404, 458, 467)

7. Paragraph 20.19.2 provides supporting text for the coastal development policy, but states, among other things, that almost all finfish farm applications are likely to require an Environmental Statement. The requirement for an application to be accompanied by an Environmental Statement is subject to statutory regulations. I see no necessity for any statement about the likelihood of this to be stated in the local development plan. I note that no similar statement is made in respect of, for example, mineral development.

Positive policy/alignment with Scottish Planning Policy (representations 180, 404, 452, 467)

8. Scottish Planning Policy states that planning authorities should support the development of new and modified fish farms in appropriate locations. I am not persuaded that the authority has failed to reflect that approach in the terms of the policy. The policy allows for possible expansion on existing and new sites, including outwith the areas covered by Aquaculture Framework Plans and Integrated Coastal Plans, and presents broad criteria for such proposals.

9. National policy also indicates that the planning system should not duplicate other control regimes. As presently drafted, the policy refers to several matters which are subject to control by other regulatory bodies. Although the details are complex and technical, the general extent of those other control regimes should be made clear, as should the extent to which the Council will rely on the assessment of those bodies. Where criteria in the policy overlap entirely with those used in other regimes, they should be removed.

Minor changes in wording (representation 118)

10. In line with the Habitats Regulations Appraisal Record, an additional bullet point should be added to the first series relating to habitats and species, including designated sites and protected species to ensure due consideration of such matters.

11. The expression "biological carrying capacity" in the 5th bullet point of the policy in the policy requires explanation.

12. I agree with SNH, and the Council does not contest, that the 9th bullet point in the policy should also refer to consented aquaculture sites, as they might contribute to cumulative impacts in the future.

13. I agree, and the Council accepts, that a further bullet point should be added to the second

series of bullet points, namely “navigation (including recreational)”.

14. I agree with SNH, and the Council does not contest, that predator interaction should be added to the 11th bullet point.

15. I agree, and the Council does not contest, that the 12th bullet point should include reference to good design of cages and lines, as well as associated facilities.

16. I accept the Council’s point that cross-referencing should not be included unless essential, in the interests of brevity and to avoid the impression that other policies will not apply unless there is a specific cross-reference.

Aquaculture Framework Plans (representation 83)

17. The comments made in this representation relate to the Aquaculture Framework Plan for Loch Eriboll rather than the proposed local development plan itself. I have no remit to recommend changes in relation to the Framework Plan.

Reporter’s recommendations:

I recommend the following amendments.

1. The words “and almost all finfish farm applications” should be deleted from paragraph 20.19.2.
2. The following should be added to the introductory text:

As appropriate, the Council intends to adopt as supplementary guidance its second series of aquaculture framework plans, also any further aquaculture framework plans which it produces.

3. In the introductory text, the extent of other regimes controlling aquaculture development should be made clear, as should the extent to which the Council will rely on the assessment of other regulatory bodies.
4. In consultation with relevant bodies, the Council should review whether any criteria in the policy overlap entirely with those used in other regulatory regimes. In such cases, those criteria should be removed.
5. In the first series of bullet points in the policy, the following bullet point should be added:
 - habitats and species, including designated sites and protected species.
6. In the 5th bullet point of the policy, or in the supporting text or the glossary, the expression “biological carrying capacity” should be explained.
7. The 9th bullet point should read:
 - existing and consented aquaculture sites.
8. After the 10th bullet point should be added:
 - navigation (including recreational).
9. The 11th bullet point should include “predator interaction”.
10. The 12th bullet point should read, in part:
 - good design of cages, lines and associated facilities (please refer to ...).

11. The following should be added to the text of the policy:

The core principles of the Highland Council's aquaculture framework plans and coastal development plans are similar. However, coastal development plans cover all sectors and are relevant to proposals for all types of installations in coastal waters. The aquaculture framework plans will:

- guide the location and scale of aquaculture development
- ensure that development is environmentally sustainable
- identify both opportunities and constraints so that developers have a realistic idea of the development potential and other interests which should be taken into account
- provide an overview for the use of the coastal waters and promote a balanced approach which can safeguard the area's core natural assets and sustain or enhance its productivity over the longer term
- aim to guide investment, help in the evaluation of development proposals, and help to minimise conflicts of interest.

Issue 52	Trees and Development	
Development plan reference:	Policy 52 (Para 20.24, Page 98)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Laid Grazings Committee (83) Forestry Commission (116) Scottish Natural Heritage (SNH) (118) Kincaig & vicinity Community Council (225) Scottish Wildlife Trust (285) Action for Mental Health (HUG) (355) Cube Engineering (449) Cawdor Estates for the Trustees of the Cawdor Scottish Discretionary Trust (535)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>General comments</u></p> <p>They are concerned that there is no mention of farming and hill farms which will be needed in the future. They consider that lots of forestry is in a neglected state and that housing in forestry should be promoted as it avoids more productive land. Non productive areas with good roads could be utilised. (225)</p> <p><u>Comment on Main Issues Report summary of representations</u></p> <p>They point to paragraph 5 under Council's summary of the representations where they think that the Council has suggested restriction of natural regeneration. The policy of natural regeneration of "Old Caledonian Forest Pine" has been an important policy of Bayfield, Nigg Hill and encouraged by the Department of Agriculture. (148)</p> <p><u>Tree Planting</u></p> <p>They believe that great care should be taken with where new planting occurs. (225)</p> <p>They feel that there is a need for more trees. (355)</p> <p>They consider there is scope to reference that the Council will be supportive of tree planting that enhances or increases linkage to the green network. (285)</p> <p>They feel that the Highlands and Sutherland in particular needs more trees. They consider this to be an industry that is well suited to the environment and deserves more enthusiastic support. (83)</p> <p><u>Supporting text</u></p> <p>They consider that Para. 20.23.1 should refer to the contribution of trees to landscape character and distinctiveness in some areas. (118)</p> <p>Forestry Commission: They believe that this section does not fully recognise the role forestry plays in the Highland landscape and economy. (116)</p>		

PolicySeparation distances

Trees and buildings work together in many places, eg Cawdor, and therefore they feel that such mixed land uses should be encouraged. They suggest that the separation distances between trees and development is not as prescriptive as currently suggested in Policy 52. Trees can and do often sit comfortably close to development, as evidenced throughout the Highlands. For a specific example there is Cawdor. Indeed, the special environment of a place like Cawdor would not be possible today if Policy 52 was in operation. Therefore they feel that Policy 52 risks limiting the diversity of place that could be created within the Highland Council area. Where the owner of a tree and a neighbouring development is one and the same, they consider that there is no need to restrict the development, or for that matter, force removal of the tree. They suggest that co-habitation can exist with conditions applied to planning consents if necessary to ensure trees very close to development are managed appropriately for the protection of the developed property. (535)

They note that the Policy states that 'adequate separation distances will be required between established trees and new development' – and they consider that the urban nature of this policy needs to be made clearer to avoid ambiguity. (449)

Modifications sought by those submitting representations:General Comments

Wants an encouraging policy framework for housing development in non productive forestry areas. (assumed) (225)

Comment on Main Issues Report summary of representations

Unclear what modification is sought. (148)

Tree planting

Supporting text suggestion - Reference of Council support for tree planting that enhances or increases linkage to the green network. (285)

Seeks a more positive tree planting policy. (assumed) (83, 355)

Seeks a careful tree planting policy. (assumed) (225)

Supporting text

Suggests augmenting para 20.23.1 first sentence to read, "...and play a vital role in contributing to landscape character and distinctiveness of place and in integrating..." (118)

Suggests adding reference to contribution to climate change and the explicit need for woodland expansion to deliver the Scottish Government climate change targets and woodland expansion rationale. Also feels that the continued investment in timber processing and biomass is worthy of mention e.g. Balcass and BSW. (116)

Separation distances

They recommend the following amendment to the policy – 'adequate separation distances will be required between established trees and any urban or semi-urban development' (449)

They OBJECT to Policy 52 as they feel that it needs to be less prescriptive so that appropriate co-habitation of trees within areas of development is encouraged and not pro-actively restricted. (535)

Summary of responses (including reasons) by planning authority:General Comments

Note comments made in support of housing development in non productive forestry areas. The suitability of any forestry areas for development will mainly be considered through the Area Local Development Plans. With the opportunity given through the National Land Forest Scheme it is

expected that some sites may be identified by communities. However these opportunities will need to be assessed in terms of the context set by the New/Extended Crofting Townships Policy 49 and the Principle of Development in Woodland Policy 53. The Council considers this to offer a supportive policy context for these types of proposals subject to reasonable provisions and following Scottish Government policy on Control of Woodland removal.

Comment on Main Issues Report summary of representations

This is the Council's summary of representations not the Council's position. The representation was not against native species regeneration in wild areas but concerned about the impact of plantation forestry development.

Tree planting

It is the role of the Highland Forest and Woodland Strategy policy to guide the decision making process to ensure it is robust and consistent. The area policy classification map from the Highland Forest and Woodland Strategy considers strategic constraints and opportunities across the region. Whilst increasing woodland cover is important we cannot ignore other considerations and the need to encourage the right type of woodland for any particular location (including no woodland in some instances). Having this type of policy allows us to be more strategic in consideration of opportunities for the whole of Highlands. Its review is considered the appropriate place to consider future policies on tree planting and its links to Green Networks.

Supporting text

The Forestry Commissions and SNH's comments regarding bolstering this section are understandable. The Council has tried to keep the plan as concise as possible but perhaps in this instance the supporting text should be expanded to provide a little more context. However the commended text to the Reporter keeps this shorter and more generalised.

Separation distances

The Council does not wish this policy to discriminate between rural and urban areas. The consideration of development within and adjacent to trees and woodland are essentially the same whether within a rural or urban situation. As per our draft Supplementary Guidance the safeguard distance between trees and development is influenced by the position and orientation of buildings in relation to trees and requires assessment to be carried out on a site by site basis considering health and safety, sunlight/shading, leaf fall and aspect. There is no set distance applied; an assessment will establish the appropriate distance. For larger trees, including commercial conifer, it may be necessary to maintain a separation of 20 metres.

Whilst the Council positively supports cohabitation between trees and development there is a need for assessment to ensure an appropriate separation distance is maintained. The use of conditions to make sure that trees are managed for the protection of the property is not something the Council wishes to encourage. After all the consequences for the trees are likely to be less favourable than ensuring an appropriate set back as this avoids potential pressure for tree removal or inappropriate tree management.

Any further plan changes commended by the planning authority:

Insert after first sentence of 20.23.1 Trees and woodlands are a resource of multiple benefits with substantial contributions to biodiversity, the climate change agenda, and opportunities for recreation, economic development, and community spin offs.

Reporter's conclusions:

Further information received

1. The Council states that it intends to statutorily adopt its Trees, Woodland and Development Supplementary Guidance, and has submitted the following additional text setting out the principles of that guidance.

The Trees, Woodland and Development Supplementary Guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation
- establish the key factors for assessment of development sites in relation to the presence of trees
- give guidance on preparation of tree protection, management, planting and landscape plans
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting
- generally support well planned development which are designed to create and coexist with significant areas of new woodland.

2. In appendix 6, the title of the supplementary guidance should be amended to “Trees, Woodland and Development.”

Conclusions

Supplementary guidance (representation 324)

3. The Council has drafted appropriate main principles for its Trees, Woodland and Development Supplementary Guidance, which is a suitable topic for such guidance, in line with the advice in Circular 1/2009. The Scottish Government representation invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. I consider that the suggested main principles are sufficient for that purpose.

General comments (representation 225)

4. The representations about farming fall outwith the scope of this policy. Those relating to the development of villages within forested land are dealt with under Policy 53: Principle of Development in Woodland.

Native species regeneration (representation 148)

5. Representation 148, from Mrs E J Budge of Nigg Friendship and Nigg Old Trust, relates to the Council’s summary of representations to the Main Issues Report. The Council explains that the summary set out the positions of others and not its own position. The Council does not oppose native species regeneration in wild areas.

Tree planting (representations 83, 225, 285, 355)

6. Matters of detail with respect to the location of new tree planting and linkages to the Green Network are more properly dealt with in the Highland Forest and Woodland Strategy and its forthcoming review.

7. With regard to increased tree planting, the strategy aims, among other things, to identify opportunities for forest and woodland expansion, compatible with other interests. This is now set out in Policy 53 under the key principles for the strategy.

Supporting text (representations 116, 118)

8. The Council’s commended additional text goes some way to meeting the suggestions from the Forestry Commission and SNH on the role of trees and forestry, but should be augmented by a reference to landscape character and distinctiveness.

Separation distances (representation 449, 535)

9. The policy goes no further than to require adequate separation distances between established trees and any new development. That allows for site specific circumstances to be taken into account. Like the Council, I see no justification for distinguishing instances on the basis of land and property ownership or of urban/rural location. I agree that proper set back distances are greatly to be preferred to the imposition of planning conditions in an attempt to secure suitable management of trees close to development.

Reporter's recommendations:

I recommend the following modifications:

1. The first two sentences of paragraph 20.23.1 should be modified to read:

Trees and woodlands are a resource of multiple benefits with substantial contributions to landscape character and distinctiveness, biodiversity, the climate change agenda, and opportunities for recreation, economic development, and community spin offs. They play a vital role in integrating any new development into the surrounding area.

2. The following should be added to the policy:

The Council's Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation
- establish the key factors for assessment of development sites in relation to the presence of trees
- give guidance on preparation of tree protection, management, planting and landscape plans
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting
- generally support well planned developments which are designed to create and coexist with significant areas of new woodland.

3. In appendix 6, the title of the supplementary guidance should be modified to "Trees, Woodland and Development."

Issue 53	Principle of Development in Woodland	
Development plan reference:	Policy 53 (Para 20.26, Page 98)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Scottish Natural Heritage (SNH) (118) Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Highlands & Islands Green Party (533) Cawdor Estates for the Trustees of Cawdor Scottish Discretionary Trust (535)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>General Comment</u> Consider that this policy is not reflected in the area sections. (533)</p> <p><u>Policy</u> They feel Policy 53 could be counterproductive and act against the encouragement of tree planting which is an implied objective of the Highland wide Local Development Plan (HwLDP). By being overly prescriptive, and proposing effectively a preservationist approach, they feel that developers will be actively discouraged from advance planting of trees in fear that these may provide an argument prohibiting development in the future. They feel that the long term sustainability of tree cover is therefore potentially prejudiced and therefore they object to Policy 53. They support trees being removed to facilitate development in sensible locations with compensatory planting in appropriate places. Trees are living organisms and a preservationist approach is therefore not only inappropriate but, ultimately, impossible and ignores the continual evolution of landscapes. (535)</p> <p>Considers that amendment is required to the last sentence of this policy. (118)</p> <p><u>Designated woodland</u> They consider the policy to be inappropriate, in that it seeks to provide the same level of protection to designated woodland as well as woodland that may have been planted for commercial reasons. They believe that the policy should recognise that woodland that has been planted for commercial reasons will at some point in time be felled and it is inappropriate that there should be a presumption against development. (268)</p> <p><u>Habitat Regulations Appraisal</u> As part of the Habitats Regulations Appraisal of the plan the last sentence of the policy could be strengthened. (118)</p>		
Modifications sought by those submitting representations:		
<p><u>General Comment</u> Unclear what modification is required. (533)</p> <p><u>Policy</u> Strongly advocate as an alternative that the Highland Council adopt a more pragmatic approach which seeks the objective of long term sustainability of tree cover within locales. This may mean trees being removed to facilitate development in sensible locations with compensatory planting in appropriate places. They object to Policy 53 as it needs to be less prescriptive in order that tree planting, is encouraged and not pro-actively restricted. (535)</p>		

Policy should support felling of commercial forest for development purposes (assumed). (268)

Minor wording changes

Reword last sentence of the policy to, “In all cases, the Council will not support, unless exceptional circumstances are demonstrated, development where it affects...” (118)

Habitats Regulations Appraisal

As part of Habitats Regulations Appraisal strengthen the last sentence. (118)

Summary of responses (including reasons) by planning authority:

General Comment

This is a general policy which will be applied when assessing all development proposals. There are no perceived conflicts between any of the allocations or developer requirements and this policies proper implementation.

Policy

At world, EU and Scottish levels there is a strong presumption against deforestation with climate change considerations being a significant driver. This Scottish Government policy on Control of Woodland Removal is consistent with National Planning Framework for Scotland 2 (NPF2) and provides a strategic context to consider woodland removal. The Council wishes to supports the new Scottish Government policy on control of woodland removal and make the link between the HwLDP and this policy clear. It is the Scottish Government who decides the strategic context however the Council is supportive of its stance. It is important that we have a strong policy presumption against woodland removal where it does not offer clear and significant public benefit, and where appropriate obtains compensatory planting.

Designated woodland

With regards to the point about offering the same level of protection to designated and non designated woodland The Council disagrees with this analysis. The last line of the policy is, “In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland And Development Supplementary Guidance).”

Minor wording change

With regards to the suggested rewording of the last sentence the Council feels that the current wording is appropriate and with the link to Scottish Government Control of Woodland Removal Policy and our Trees, Woodland and Development Supplementary Guidance it is sufficient. However if the reporter is minded to accept this wording then the Council is not concerned.

Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

Any further plan changes commended by the planning authority:

Add hyperlink to Scottish Government Control of Woodland Removal Policy.

Reporter’s conclusions:

Further information received

1. The Council states that it intends to adopt as statutory supplementary guidance its Highland Forest and Woodland Strategy and wishes to add the following to Policy 53.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability
 - increase the community benefit from forestry and woodlands
 - identify opportunities for forest and woodland expansion compatible with other interests
 - improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland
 - work with partners to address economic and infrastructure issues
 - retain and enhance the level of funding for forestry in Highland.
2. Representation 225 relating to the development of villages within forested land, listed in the Council's schedule 4 form under Policy 52: Trees and Development, is dealt with under this policy.
3. SNH has withdrawn its representation with respect to the last sentence of the policy on the basis that mitigation will be added in accordance with Table 7 of the Habitats Regulations Appraisal Record.
4. To bring the policy more in line with the reference to need for development in the draft guidance, the Council suggests that the first sentence of the policy be revised to read:
The applicant is expected to demonstrate the need to develop a wooded site and that this site has capacity to accommodate this development as the Council will maintain a strong presumption in favour of protecting woodland resources and development proposals will only be supported where they offer clear and significant public benefit.

Conclusions

Supplementary guidance (representation 324)

5. The Highland Forest and Woodland Strategy is a suitable topic for supplementary guidance, in line with the advice in Circular 1/2009. The Scottish Government representation invites reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. I consider that, the principles set out in the Council's further information (above) provide an adequate policy context.

6. There appears to be considerable overlap between Policies 52 and 53. Moreover the Highland Forest and Woodland Strategy as well as Trees, Woodland and Development Supplementary Guidance apply to both policies. Consequently, the Council will need to decide an appropriate place to set out the main principles for those documents, with cross-references as necessary.

7. Rewording of the first sentence of the policy to refer to need along the lines suggested by the Council, would improve consistency with the draft supplementary guidance.

Development of villages within forested land (representation 225)

8. The policy context for assessing proposals to develop villages within forested land are set out in Policy 53 and the Highland Forest and Woodland Strategy. These take account of national guidelines and policy, and seek a balanced approach. The type of factors promoted in favour of such developments in the representation would taken into consideration by such an assessment.

Compensatory planting (representation 533)

9. The policy with respect to compensatory planting would apply to all areas and does not need to be repeated in policies for individual parts of the Highlands.

Preservationist approach (representation 535)

10. The Council's strong policy presumption against woodland removal reflects government policy in Control of Woodland Removal and the National Planning Framework for Scotland 2. Policy 53 offers sufficient scope for development within that context.

Designated woodland (representation 268)

11. The policy applies a stronger presumption against inventoried woodland, designated woodland or other important features, as defined in the Trees, Woodland and Development Supplementary Guidance. Consequently, commercial plantations will have a lesser level of protection.

Habitats Regulations Appraisal (representation 118)

12. The Habitats Regulations Appraisal Record indicates that a new sentence should be added to the policy requiring assessment of proposals against conformity with the Scottish Government Policy on Control of Woodland Removal. This policy states the statutory requirement to prevent the deterioration of natural sites and to take measures to maintain or restore relevant natural habitats. I accept the suggested change.

Reporter's recommendations:

I recommend the following amendments.

1. A hyperlink should be added to the Scottish Government's policy on Control of Woodland Removal.

2. The first sentence of the policy should be reworded to read:

The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit.

3. The following should be added to the policy:

All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal.

4. The following should be added to the policy.

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability
- increase the community benefit from forestry and woodlands
- identify opportunities for forest and woodland expansion compatible with other interests
- improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland
- work with partners to address economic and infrastructure issues
- retain and enhance the level of funding for forestry in Highland.

Issue 54	Minerals	
Development plan reference:	Policy 54 (Para 20.28, Page 99)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coal Authority (38) Leiths Scotland Limited (Leiths) (87) Scottish Natural Heritage (SNH) (118) SportsScotland (320) Scottish Government (324) Scottish Environment Protection Agency (SEPA) (326)</p>		
Provision of the development plan to which the issue relates:	Minerals policy and supporting text for minerals and soils.	
Planning authority’s summary of the representation(s):		
<p><u>Surface coal reserves around Brora should be safeguarded</u>; if non-mineral development was proposed over this resource then consideration should be given to the prior extraction of coal. (38)</p> <p><u>Reorder policy sections</u></p> <p>Sections do not run together that deal with natural heritage issues, restoration/aftercare and types of extraction that would be supported. (118)</p> <p>Paragraph on geodiversity should be moved to the end. (324)</p> <p><u>Fifth sentence in final paragraph to be moved and reworded</u>: “The Council will expect all minerals developments to mitigate adequately their impact on residential amenity, the local natural and historic environment and infrastructure capacities” moved to after the set of three bullet points in the first paragraph and modified to read: “The Council will expect all minerals development proposals to avoid or adequately mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities”. (118)</p> <p><u>Second sentence of para 20.27.2 should be amended</u> to read, “Spatial mapping of peatland is available. However, it does not provide any comprehensive information on the quality of the peatland.” (118)</p> <p><u>Policy should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Plan should identify search areas and safeguard specific sites for certain minerals</u></p> <p>Its current requirement for existing reserves to be exhausted or not economically viable before new minerals development will be permitted does not comply with Scottish Planning Policy (SPP). Second paragraph of the policy could be amended to read: ‘Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten year supply of permitted reserves’. Consequential changes to supporting text at paragraph 20.27.1 will also be required.</p> <p>The penultimate paragraph of Policy 54 states that existing reserves will be protected from incompatible development, although it appears to be intended that this will only apply to existing</p>		

workings or consented reserves, rather than all reserves. The Scottish Government recognises the practical difficulties in safeguarding reserves and identifying areas of search across the full extent of Highland and recommends that Policy 54, or its supporting text, confirms to what extent (for example for which minerals and/or which areas) and by what means (for example in supplementary guidance or the area local development plans) the Highland Council proposes to implement this aspect of SPP. (324)

Supports policy. (38, 87, 326) (Assumed 320)

Modifications sought by those submitting representations:

- Surface coal resources around Brora should be safeguarded in the policy. (38)
- Reorder policy sections. (118)
- Paragraph on geodiversity should be moved to the end. (324)
- Fifth sentence in final paragraph to be moved to after set of three bullet points in 1st paragraph and wording amended. (118)
- Second sentence of para 20.27.2 should be amended. (118)
- Policy wording should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Consequential changes to supporting text at 20.27.1 will also be required. (324)
- Policy or its supporting text should confirm to what extent and by what means the Council proposes to safeguard reserves and identify areas of search. (324)

Summary of responses (including reasons) by planning authority:

Surface coal reserves around Brora should be safeguarded

- Sutherland Local Plan (SULP) has a list of development factors for Brora. One of these is: "Development proposals should have regard to the potential presence of coal mining activity". This was added following a representation made to the SULP and the additional development factor was recommended by the Reporter. Therefore it is not believed that it is necessary to amend this policy as the issue is dealt with in SULP. (38)

Reorder policy sections

- Re-ordering the paragraphs is a non-material change to the policy therefore if the Reporter sees fit, the Council would support a re-ordering of the policy sections. (118)
- Moving the paragraph on geodiversity is a non-material change to the policy therefore if the Reporter sees fit, the Council would support this. (324)

Fifth sentence in final paragraph to be moved and reworded

- The moving of the sentence as it is written in the Proposed Plan is a non-material change to the policy but the Council believes that this sentence is best placed where it currently sits as the first sentence in the final paragraph mentions mitigation as well. However if the Reporter sees fit, the Council would support the sentence being moved.
- The policy is currently asking for mitigation to be provided; the addition of the word "avoid" changes the thrust of the policy, asking for all mineral developments to avoid impacts rather than provide mitigation on their impacts. It should be remembered that policy 58 sets out the tests against which all development which affects natural, built and cultural heritage features must be assessed.
- The wording of the sentence follows the wording of Scottish Planning Policy (SPP) paragraph 231 however if the Reporter sees fit, the Council would support changing the wording from "the local natural and historic environment" to "the natural, built and cultural heritage". (118)

Second sentence of para 20.27.2 should be amended

- The addition of the word "comprehensive" does not change the thrust of the sentence; it still remains that the mapping is not comprehensive enough and further survey work would be required to improve the information. If the Reporter sees fit, the Council would support the additional word. (118)

Policy should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Plan should identify search areas and safeguard specific sites for certain minerals

- The Council has a list of quarries in Highland from the British Geological Survey; however this information has not been confirmed by the Council. Therefore the Council has no accurate way of calculating if a 10 year supply is available or not if applying this amendment to the policy.
- The last time the Council did a minerals audit it showed that there was an adequate supply. Existing planning permissions, extensions of existing quarries and re-opening of dormant quarries should provide enough supply for at least 10 years. We will endeavour to do a new audit of mineral supply across Highland to identify what is being extracted and the expected lifetime of quarries.
- If an audit shows that there is a supply of less than 10 years we will begin to look at identifying new areas of search. As the Scottish Government has recognised, Highland is a large area to begin to identify areas of search. However the Council has just started the first of three new area Local Development Plans and through these the Council can begin to identify areas of search and areas to be safeguarded if an audit has identified a requirement for more supply.
- If the Reporter sees fit, the Council would support this amendment to the policy, with the additional wording and any consequential changes to the supporting text at paragraph 20.27.1. (324)

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. In response to the representations, the Council sees no need to alter the plan. At the same time, the Council has no objection to most of the suggested alterations.
2. A slight rewording of paragraph 20.27.2 is suggested (representation 118). This would appear to correct a minor inaccuracy, and on this basis the text should be adjusted accordingly.
3. It is suggested that the second paragraph of policy 54 make reference to a ten-year supply of permitted reserves (representation 324). I find that this would accord with paragraph 227 of Scottish Planning Policy. Policy 54 should be amended accordingly, with a consequential amendment to paragraph 20.27.1.
4. It is suggested that policy 54 or its supporting text should refer to search areas and safeguarding of specific sites for certain minerals (representation 324). In its response, the Council refers to the possibility of conducting an audit of mineral supply and, if necessary, identifying areas of search: areas of search and areas to be safeguarded could be identified in the area local development plans. I note that paragraph 226 of Scottish Planning Policy advises that search areas and specific sites should be identified and safeguarded in development plans. From this, I conclude that the supporting text in the plan should refer to an audit and to identification in the area local development plans of areas of search and areas to be safeguarded.
5. Insertion of "avoid or" in the fifth sentence of the last paragraph of the policy is proposed (representation 118). The Council does not favour this change, for the reasons it gives. I find that this part of the policy, as it stands, seeks mitigation of impacts, but it does not encourage developments to avoid unacceptable impacts in the first place by careful site selection and design of operations. This omission would be addressed by the proposed insertion and would be a useful addition to the policy. Deleting "their" and putting in its place "any" would help make clear the purpose of the reworded sentence.

6. In response to other proposed modification of this part of the policy, the Council says that it is following wording in paragraph 231 of Scottish Planning Policy. I find that the relevant wording in the latter is “the amenity of local communities, the natural heritage and historic environment.” I conclude that it would be appropriate to adjust the policy to accord with this wording.

7. Representation 38 suggests that there should be specific reference to safeguarding coal resources around Brora: if land containing coal is the subject of proposed development, consideration should be given to prior extraction of the coal. I note that the fifth paragraph in policy 54 says that mineral reserves will be safeguarded from incompatible development, except where there is no alternative site for the development or the reserves will be extracted prior to implementation of the development. I find that this adequately meets the concern regarding coal at Brora.

8. Two of the representations wish some reordering of the content of policy 54. The Council says it would support a reordering of the policy sections if seen fit by me. There does appear to be dissatisfaction with the overall layout of the policy. I have considered whether the policy would be clearer if restructured, perhaps along these lines:

safeguarding of reserves (paragraph 5 in the policy as drafted);
 criteria for permitting new workings (2);
 support for certain other workings (1);
 borrow pits (3);
 requirements for individual proposals (6); and
 geodiversity (4).

I am not convinced that this restructuring is sufficiently justified as to warrant it being made a recommendation. The Council indicates that, in its view, moving paragraphs around would not be a material change. I therefore leave it to the Council to decide what action, if any, to take on this matter.

Reporter’s recommendations:

I recommend the following modifications:

1. As a consequence of the modification of paragraph 2 of policy 54 which is recommended below, add the following sentence to the end of paragraph 20.27.1:

With particular reference to construction aggregates, the Council will seek to ensure that the landbank of approved reserves in each market area is sufficient at all times to meet needs that are expected to arise in the following ten-year period.

2. After the above sentence, add two further new sentences to paragraph 20.27.1, as follows:

The Council will conduct an audit of mineral supply. If shown to be necessary by the result of the audit, the Council will, in the area local development plans, seek to identify areas of search and areas to be safeguarded.

3. In paragraph 20.27.2, the second sentence should be deleted and replaced with:

Spatial mapping of peatland is available. However, it does not provide comprehensive information on the quality of the peatland.

4. In policy 54, the second paragraph should be deleted and replaced with:

Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.

5. In policy 54, the fifth sentence in the last paragraph should read as follows:

The Council will expect all minerals developments to avoid or to mitigate adequately any impact on the amenity of local communities, the natural heritage, the historic environment and infrastructure capacities.

Issue 56	Peat and Soils	
Development plan reference:	Policy 56 (para 20.30, Page 100)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coriolis Energy LLP (1) The Mountaineering Council of Scotland (2) Scottish Natural Heritage (SNH) (118) Highlands and Islands Enterprise (HIE) (190) Scottish Wildlife Trust (285) Scottish Environment Protection Agency (SEPA) (326) SLR for RWE Npower Renewables Limited (419) CASA Planning and Environment Ltd for Cube Engineering (449)</p>		
Provision of the development plan to which the issue relates:	Peat and soils policy and supporting text.	
Planning authority's summary of the representation(s):		
<p><u>Amend policy to recognise</u> that in areas of <u>peat burden</u> it will be necessary to disturb peat to accommodate economic and social development.(190)</p> <p>In line with national policy guidance windfarm developments tend to avoid communities, key tourist routes, sensitive landscapes, protected ecological and ornithological areas and important cultural and built heritage assets. The consequence of avoiding these areas is that developers will often consider sites where peat and sensitive soils are present. <u>The policy should recognise that in conjunction with SNH, Scottish Renewables (renewable industry trade association) has produced guidance for developers proposing windfarms on peat or sensitive soils.</u> This sets out that through the adoption of best practice and mitigation impacts can be kept to a minimum. We support the proposal that peatland management plans are submitted as part of any development proposal that will negatively impact on peatlands.(1)</p> <p><u>Amend policy so that a development will not be permitted if unacceptable disturbance cannot be avoided.</u> Unnecessary disturbance should be avoided. Currently the policy presupposes that peat disturbance will not be a reason for refusing permission. Peat impact criteria must be reserved as a basis on which to refuse permission. (2)</p> <p>As part of the Habitats Regulations Appraisal (HRA) of the plan the <u>3rd paragraph of the policy should be augmented</u> to take account of possible indirect effects of peatland extraction in degraded areas on nearby areas of peatland value. (118)</p> <p><u>Policy should be amended to prevent new areas of commercial peat extraction.</u> The Scottish Wildlife Trust does not agree that new areas of commercial peat extraction should be permitted. Peatlands are a valuable carbon sink and commercial extraction not only damages this fragile habitat, it also releases CO₂ and thus contributes to global warming. Permitting new commercial peat extraction would be contrary to the Climate Change duty (Part 4, Section 44(1)) in the Climate Change (Scotland) Act 2009 which comes into force in January 2011. Degraded peatland should be restored. (285)</p> <p><u>Amend first sentence.</u> SEPA support the principles of the policy and recommend that the first sentence is amended to read: "Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils and any adverse impacts on the associated wetlands and water dependant habitats and species." (326)</p>		

Do not object to this policy in principle but feel it should be clear that the peat management plan, if required, should be the subject of a planning condition. (419)

Para 20.27.3 and the policy do not give enough guidance on peatland management plans. Para 20.27.3 offers limited guidance regarding the requirements for a peatland management plan. Also the policy does not specifically clarify the appropriate and accepted approach regarding the inclusion of a peatland management plan, especially in relation to relevant areas and acceptable formats of submissions. (449)

Policy should be expanded to recognise the link between unavoidable development on peat and the potential for some developments, such as wind farms, to mitigate against any CO² emitted during development throughout the life cycle of a wind farm. The following statement should be included in the policy, "Proposals that offer favourable carbon displacement, or are able to demonstrate a favourable life-cycle carbon budget, following clearly demonstrated unavoidable development on peat, will be favoured by the Council". (449)

Modifications sought by those submitting representations:

- Amend policy to recognise peat burden. (190)
- Policy must recognise that Scottish Renewables in conjunction with SNH has produced guidance for developers proposing wind farms on peat or sensitive soils. (1)
- Amend policy so that a development will not be permitted if unacceptable disturbance cannot be avoided. (2)
- 3rd paragraph of the policy should be augmented to include, "Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect any nearby areas of peatland value." (118)
- Policy should be amended to prevent new areas of commercial peat extraction. (285)
- Amend first sentence to read: "Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils and any adverse impacts on the associated wetlands and water dependant habitats and species." (326)
- Amend policy - if a peat management plan is required it should be the subject of a planning condition. (419)
- Para 20.27.3 and the policy should give more guidance on peatland management plans. (449)
- Policy should include the following statement 'Proposals that offer favourable carbon displacement, or are able to demonstrate a favourable life cycle carbon budget, following clearly demonstrated unavoidable development on peat, will be favoured by the Council'. (449)

Summary of responses (including reasons) by planning authority:

Amend policy to recognise peat burden

- The Council recognises that there are many areas in Highland where there is deep peat. However, the policy as written says that proposals should demonstrate how they have avoided unnecessary disturbance and that where disturbance is unavoidable the Council may ask for a peatland management plan to show how impacts have been minimised and mitigated. Therefore if a proposal can clearly show that peat disturbance is necessary to accommodate economic and social development then as long as it can be demonstrated as being unavoidable then it would not be contrary to the policy.

Amend policy to recognise that Scottish Renewables in conjunction with SNH has produced guidance for developers proposing wind farms on peat or sensitive soils.

- The guidance referred to here was published on 1 October 2010: Good Practice during Wind Farm Construction Guidance.
- The Council does not feel that it would be appropriate to mention that guidance in the policy however if the Reporter sees fit, the Council would support the mention of the document in the supporting text of the policy.

Amend policy so that a development will not be permitted if unacceptable disturbance cannot be avoided.

- The policy as written states that proposals should demonstrate how they have avoided unnecessary disturbance and recognises that in some cases disturbance is unavoidable. It does however put the onus on the developer to show how this disturbance is unavoidable and to clearly demonstrate how impacts have been minimised and mitigated. The emphasis of the policy is not about preventing development it about ensuring that any development proposals on peat can clearly demonstrate that they unavoidable and that the correct mitigation and minimisation of impacts is in place.

3rd paragraph of the policy should be augmented as part of the HRA of the Plan.

- If the HRA of the Plan indicates that the 3rd paragraph of the policy needs to be augmented then the Council will support the additional wording of "Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect any nearby areas of peatland value."

Policy should be amended to prevent new areas of commercial peat extraction.

- The policy as written is in line with national policy set out in Scottish Planning Policy (SPP) (para 230) in that extraction will only be permitted in an area of degraded peatland which can clearly be shown to have been significantly damaged and restoration is not possible.

Amend first sentence.

- The Plan already has a suite of policies on species and habitats (policies 59, 60, 61) and policy 64 on the water environment which cover the suggested addition to this sentence. The Council does not feel that this additional wording is therefore necessary.

Should be clear that the peat management plan, if required, should be the subject of a planning condition

- The policy currently states that a peatland management plan may be required for any kind of proposed development in order to demonstrate how impacts have been mitigated and minimised. It is not appropriate for the policy to have an automatic assumption that in every case a peatland management plan will be subject to a planning condition.

Para 20.27.3 and the policy do not give enough guidance on peatland management plans.

- The policy is not the place to offer guidance on what should be included in a peatland management plan. In many case for larger proposed developments it will be dealt with via EIA. Each development proposal will be considered on a case by case basis.

Policy should be expanded to recognise the link between unavoidable development on peat and the potential for some developments, such as wind farms, to mitigate against any CO² emitted during development throughout the life cycle of a wind farm.

- The policy recognises that some development on peat may be unavoidable, but places the onus on the developer to demonstrate that it is unavoidable and how impacts have been minimised and mitigated. The policy covers all kinds of development not just wind farms.
- Carbon balancing is an emerging area and Scottish Government policy is just developing. There is also currently no basis in SPP for carbon balancing. Carbon balancing is essentially about balancing the protection of carbon rich soils and minimising emissions by using natural resources to generate renewable energy. In theory the Council would generally support this idea, however at this point in time we have no way of auditing any carbon balancing assessments so the addition to the policy would be premature. The November 2010 draft of the Onshore Wind Energy Supplementary Guidance recognises the issue of carbon balancing but acknowledges that it is an emerging area of expertise.
- SEPA has been tasked by the Scottish Government to carry out audits of Carbon Balancing Assessments for section 36 applications however how this will be done has still to emerge. As a statutory consultee SEPA would be consulted in any wind farm applications.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. In representation 1, it is contended that national policy means that wind farm developers often consider sites where peat and sensitive soils are present. Relevant guidance has been produced, and this must be recognised in the plan. I note that the guidance is recent and had not been published at the time the plan was prepared. I find that it is relevant to this part of the plan and that it is from an authoritative source. My conclusion is that reference to it should be made in the supporting text.
2. In representation 2, it is contended that, if unacceptable disturbance of peat cannot be avoided, development should not be permitted. The concern is that the policy, as worded, would not prevent unacceptable disturbance of peat if the developer were to show that unnecessary disturbance had been avoided. I note the response of the Council, but I am not convinced that the policy as presently worded would achieve what the Council says it would achieve.
3. What is meant by "unnecessary" is not clear. It could mean that, in selecting the site for the proposal, the choice is to be based on avoiding, as far as possible, sites that contain peat. On the other hand, it could mean that, if a chosen site contains peat, all that is required is that the design of the proposal creates least disturbance to the peat within the site, with no regard as to choice of site in the first place.
4. Bearing in mind the special characteristics of peat, as summarised in paragraph 20.27.2, I find that this is a weakness of the policy which should be addressed. The policy should include text that makes it clear that a ground for refusal of planning permission may be unacceptable disturbance of peat, unless such disturbance is clearly outweighed by other factors.
5. The recommendation that flows from the preceding paragraph introduces to the policy reference to social, environmental or economic benefits. With this addition, I consider that the policy requires no further change in relation to representation 190.
6. Representation 118 is from Scottish Natural Heritage. It seeks an additional sentence at the end of paragraph 3 of the policy. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. On page 18, a slightly amended version of the suggested additional sentence is proposed:

Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland.

In a letter dated 3 October 2011, Scottish Natural Heritage withdraws its representation on the basis that the plan is to be altered in the way proposed by the Council. I find that the extra text would constitute a worthwhile additional safeguard. The suggested wording should be adjusted in two ways. First, the phrase "to the Council's satisfaction" should be omitted. As noted in another context (Circular 4/1998: *The Use of Conditions in Planning Permissions*, Annex, paragraph 31), this phrase is imprecise and is best avoided. Second, there should be flexibility to permit judgement as to whether some adverse effect might be acceptable.
7. I find that the additional control sought in representation 326 is worthwhile and is not fully covered by the other plan policies to which the Council refers in its response. The additional control may be achieved by an extension of the extra text mentioned in the preceding paragraph.
8. Representation 285 contends that, because it permits (in certain circumstances) commercial extraction of peat, the policy is contrary to section 44(1) of the Climate Change (Scotland) Act

2009. From my reading of the act, I am not convinced that its effect is to prohibit all peat working. I note that paragraph 230 of *Scottish Planning Policy*, while recognising environmental concerns associated with commercial peat cutting, envisages circumstances in which such cutting may be acceptable. My conclusion is that the policy need not be altered in relation to this representation.

9. Representation 419 seeks reference to use of a planning condition. I find that the policy gives scope for imposition of a planning condition where necessary and that the policy need not be altered.

10. Representation 449 seeks a policy that supports development offering favourable carbon displacement. I find that favourable carbon displacement is only one of a number of considerations likely to be relevant when considering development proposals and that, on its own, it should not necessarily justify a grant of planning permission. In the recommendations that follow, the second part includes reference to environmental benefits. These could include carbon displacement.

Reporter's recommendations:

I recommend the following modifications:

1. Insert additional sentences at the end of paragraph 20.27.3:

Developers of wind farms often consider using sites where peat and sensitive soils are present. In connection with this, it may be helpful to refer to *Good Practice During Wind Farm Construction* (Version 1, October 2010), published by Scottish Renewables, Scottish Natural Heritage, Scottish Environment Protection Agency and Forestry Commission Scotland.

2. Insert a new paragraph between the first and second paragraphs of policy 56:

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

3. Insert a new sentence at the end of the final paragraph of the policy:

Proposals must also demonstrate that extraction would not have an unacceptably adverse effect on:

any nearby areas of peatland value; and

any associated wetlands and water-dependent habitats and species.

Issue 57	Travel Policy	
Development plan reference:	Policy 57 (Para 20.32, Page 101)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Mr Alan Findlay (20) Peter Mason (24) Network Rail (32) Dornoch Rail Link Action Group (42, 536) Janetta Christie (81) Laid Grazings Committee (83) Kingussie & Vicinity Community Council (93) Mr J D Moore (97) Nairn West Community Council (101) Elizabeth Budge (148) Highlands & Islands Green Party (HIGP) (168, 533) Scottish Council for Development and Industry (SCDI) (180) National Union of Rail, Maritime & Transport Workers (276) Alastair Christie (295) Inverlochry & Torlundy Community Council (318)</p>	<p>Sportscotland (320) Transition Black Isle (330) Action for Mental Health (HUG) (355) C Parkin (358) Road Haulage Association (386) Paul Cannop (405) Donald MacPhee (407) Mr G Bevan (408) Myra Carus (422) Mr William Brown (423) Dr I A Glen (427) Mr Brian Chaplin (430) Mr Anthony Lennon (439) Castletown Community Council (441) Cromarty & District Community Council (443) Scottish Association of Public Transport (446) A Heatlie (447) M Gilvray (453) Friends of the Earth Scotland (486) Leslie Freitag (487) Invergordon Community Council (497)</p>	
Provision of the development plan to which the issue relates:	Travel and transport	
Planning authority's summary of the representation(s):		
<p><u>Oppose expenditure on new or improved roads for the following reasons:</u></p> <ul style="list-style-type: none"> • It would be in direct opposition to stated aim of encouraging "a modal shift from private car to more sustainable transport modes". (18) • It will not contribute to a reduction in carbon emissions. (330) <p><u>Concerns that Road Infrastructure is inadequate or not fit for purpose in terms of the following issues:</u></p> <ul style="list-style-type: none"> • The A9 in Thurso town centre is at capacity and improvements to Scrabster will generate further through-traffic. (81) • The A99 and A9 north of Inverness are in a poor state and deterring tourism. (81, 295) • The A838 to the west side of Loch Eriboll is in urgent need of widening (295) • The A82 is in a poor state and is hindering development and deterring tourism. (318) • The A82 in Fort William town-centre is grid-locked during peak tourist season and this will adversely affect the local economy. (318) • Lengthy journey times to/from the Highlands on the A9 and poor access to ports are hindering business and adversely impacting on development of global markets. (81, 386) • Tomich junction on the A9 is unsafe. (497) <p><u>Concerns that Council priorities for Road improvements may not be the optimum approach for the following reasons</u></p>		

- Communities are better placed than planning officers to state what improvements are required. (93)
- The implications of the proposed methodology within the LTS are not clear. (453)

Concerns regarding the impact of development on level crossings for the following reasons

- Potentially significant increases in the vehicular and/or pedestrian traffic which can impact on safety and service provision. (32)
- A consequent reduction in train line speed with impact on timetabling of trains and future train service improvements in direct conflict with government aims and objectives of this LDP for improving rail service within the Highlands. (32)

Concerns that railways & rail network is being given insufficient support for the following reasons

- In the absence of a rail-link between Alness and Nigg, the road between Inverness and Nigg is likely to become extremely busy should the Nigg Yard reopen. (295)
- Proposed level of support for rail network will not help reduce carbon emissions. (330)
- Proposed level of support for rail network will not help increase tourism in the Highland area. (446)
- Not enough provision for significantly upgrading the rail network across the Highlands, and reflect the need for major investment in rail infrastructure – in addition to Beechwood, Plan should include proposals for opening other stations in elsewhere (e.g. Conon Bridge); Dornoch Rail Crossing, doubling the main lines to Aberdeen and the central belt; and generally upgrading the track and signalling to increase frequency and speed of services. (168, 533)

Concerns regarding the omission of a proposal for the Dornoch Rail Link for the following reason

- Its inclusion would contribute to maintaining and revitalising the economy in Caithness, Sutherland and Orkney through reducing journey times for freight, local residents, workers and tourists. . (20, 42, 97, 276, 295, 405, 407, 408, 427, 430, 439, 441, 447, 487)

Concerns regarding the adequacy of town-centre parking provision in Nairn for the following reason

- The proposed volume of new housing in and around Nairn. (24)

Concerns regarding the inconsistent approach to homezones because of the potential adverse impact on:

- Residential amenity (assumed);
- Road safety;
- Active Travel.

(93, 168)

Concerns regarding the adequacy of support and proposals for public transport on the following grounds:

- Public transport within Badenoch & Strathspey is totally inadequate. (93)
- Public transport is not accessible to all mobilities (355)
- Lack of bus stop within Stoneyfield Business Park to serve dental surgery. (358)
- An integrated public transport system is virtually non-existent. (93, 101, 422)
- Constraints imposed by the global issues of Peak Oil and Climate Change (443)
- Provision for cycleways in non-existent (168, 533)

General support for Travel Policy on the following grounds:

- Network Rail is satisfied that the requirement for sufficient information to enable the Council to consider any likely on-and off-site transport implications is adequate. (32)
- SportScotland is satisfied that sports interests have been addressed. (320)

Concerns regarding the adequacy of the Travel Policy for the following reasons:

- Effective transport planning is more than just parking provision, impact mitigation and the production of green travel plans. (101)

Support for Active Travel (AT) networks on the following grounds:

- The AT networks based on proposed Core Paths will act as a tourist attraction. (83)

Concerns regarding the adequacy of support for Active Travel on the following grounds:

- The difficulty in implementing “Home Zones” and “Safer Routes to School” in the past. (93)
- There are no specific objectives for the provision of cycle routes not just on long-distance paths. (101)
- Lack of policies which show consideration of cycling as a serious method of transport. (330)

Concerns that there is no support for alternative fuels for the following reasons:

- There is no policy support for the use of electric cars or charging stations. (180, 486)

Concerns regarding the profile of freight within the Plan for the following reasons:

- Freight is extremely important to the lifeblood of the Highland economy and for its residents. (386)
- Ferry services need to meet the needs of business and hauliers through suitable timetables and vessels that can carry HGVs. (386)
- There is a lack of secure overnight lorry parking facilities throughout the region. (386)

Concerns regarding the lack of support for a direct air link from Inverness to an international hub (180)

Support for the approach to freight on the following grounds:

- The move from road to rail freight as well as people will help support the rail network north of Inverness (assumed). (81)

Support for improvements to water-borne transport for the following reasons:

- A new ferry service from Scrabster south to Aberdeen and on to Leith would be a welcome additional link. (81)
- In Cromarty and Nigg the local ferry is highly valued and has been greatly missed this year. (148)

Modifications sought by those submitting representations:

Roads

Policy should be amended to *remove* support for increased road building and trunk road and local road improvements. (18)

Policy should be amended to include proposals to improve the Trunk Road Network (81, 318, 386, 497)

Policy should be amended to require consultation with local communities to prioritise improvements or enhancements to road network. (93)

Clarify the priorities for improvements to the Highland Council’s road network. (assumed) (295, 453)

Rail

Policy should be amended to include proposal/support for a Dornoch Rail Link (20, 81, 97, 276, 295, 405, 407, 408, 423, 427, 430, 439, 441, 487)

Inclusion of statement supporting the aspiration to deliver reduced journey times from Inverness to Caithness. Further comment on this is dealt with in more detail in *Issue 82: Caithness and Sutherland Vision*.(42, 536)

Policy should be amended to include specific proposal for a rail link between Alness and Nigg. (295)

Policy should be amended to include proposals for improving rail links to/from the Highland Area. (446)

Policy should be amended to evaluate development proposals in terms of their ease of access to railways and their contribution to strengthening the railway network. (330)

Policy should be amended to explicitly support the electrification of railways. (486)

Policy should be amended to require the Council to consult with Network Rail where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. (32)

Policy should be amended to require that any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing impact and mitigation measures including assessment of closure. (32)

Policy should be amended to require the developer to fund any qualitative improvements required to the level crossing identified as a direct result of the development proposed. (32)

Parking in Nairn

Policy bullet point which relates to *developer contributions* should be amended to require residential developments to contribute towards increased provision of town centre parking in Nairn (assumed) (24)

Homezones

Policy should be amended to make Homezones a mandatory requirement for residential developments (assumed) (93, 168)

Public Transport

Policy should be amended to include specific proposals to make public transport more accessible to all mobilities (355)

Policy should be amended to include specific proposals to extend and improve the public transport network (93, 358, 422, 443)

Integrated Transport

Policy should be amended to include specific proposals for the integration of transport services. (81, 93, 101, 422)

Active Travel

Policy should be amended to require that new cycle routes should be created with any road improvement (330)

Policy should be amended to give more emphasis to improving the cycle network and links with public transport (168, 330)

Electric Vehicles

Policy should be amended to encourage the use of electric cars. (486)

Freight

Policy should be amended to include support for secure overnight lorry parking facilities. (386)

Waterborne Transport

Policy should be amended to ensure that ferry timetables meet needs of haulage business and that ferries can accommodate HGVs (386)

Policy should be amended to support a ferry service between Scrabster to Aberdeen. (81)

Air Travel

Policy should be amended to provide explicit support for air connection between Inverness and an international hub. (180)

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

Improvements and extensions to the Trunk Roads are within the remit of Transport Scotland, with the priorities and funding set within the Scotland-wide [Strategic Transport Projects Review](#) (STPR). In terms of the national Trunk Road network, many of the Highland Council (HC) Trunk roads are of low national priority in a Scottish context, despite them being a high priority in regional and local terms. However, some improvements to the A9, A82 and A96 have been prioritised for investment by Transport Scotland and these have been detailed within the STPR and [Local Transport Strategy](#) (LTS).

The Highland wide Local Development Plan and related Local Transport Strategy (LTS) will concentrate on policies and proposals for the Council-maintained non-trunk road network, and those trunk road improvements which are funding priorities identified in the STPR. The Council will, however, continue to support and jointly lobby for improvements to the Trunk Road network with Transport Scotland and developers in line with the LTS.

Given the rural nature of much of the Highlands, significant use of the private car can be expected to continue for many trips, particularly in the more remote and sparsely populated areas or where the population is highly dispersed. Thus in order to support these remote areas, the Council will need to maintain and improve the local, non-trunk road network. The priorities for improvements to these roads are determined via the [Road Asset Management Plan](#) (RAMP) incorporated in the Council's LTS, and via the Council's approved capital investment programme for roads. RAMP is based on an agreed common, Scotland-wide methodology for prioritising roads maintenance across the Highland road network.

Rail

Whilst the current STPR does propose some minor generic improvements to the rail network in the Highland area, such as the replacement of Radio Electronic Token Block signalling, the STPR does not contain any proposals for specific improvements north of Inverness, such as the Dornoch Rail Link. Despite this project being promoted by a campaigning group with some wider support, it would not attract the support or funding from the Scottish Government during the period of the plan. Further comment on this is dealt with in more detail in *Issue 82: Caithness and Sutherland Vision*.

The STPR contains no specific rail-based projects to link Alness to the Nigg Yard. The LTS reflects this in that there is a general support for improvements across the Highland Rail Network, but nothing specifically targeted at creating the Alness-Nigg link. Such a link is likely to be demand-led and dependent on economic developments at the Nigg Yard.

The STPR supports an increase in service frequency and a reduction in journey times between Inverness and Perth through the provision of minor infrastructure improvements such as line-speed improvements, additional loops or lengthening double track sections and the removal of speed limits for freight trains. These improvements are, however, within the remit of Network Rail and the relevant train operators.

Policy 57 already requires that proposals are well-served by the most sustainable modes of transport, and this would include the existing railway network. Strengthening of the railway network is, however, within the remit of Network Rail and the relevant train operators.

The suggested electrification of the railway network would not be achievable via the HwLDP as it is again within the remit of Network Rail and not the Council.

The issue of level crossings will be taken forward through the provision of a policy hook in Policy 31: Physical Constraints and detailed as a constraint in the forthcoming Physical Constraints Supplementary Guidance (SG). The SG will require developers to fully demonstrate that proposals are compatible with an affected level crossing or that adequate mitigation is provided. In addition, Area LDP's will provide for specific developer requirements to consider level crossings and consult with Network Rail where allocations are likely to have an impact.

Parking in Nairn

The policy's principle aim is to move to more sustainable modes of travel and as such the Council would not be seeking to encourage short-haul car journeys from new residential developments into Nairn Town Centre. Therefore any shortage of car parking spaces would act as a disincentive for using the car and an incentive to use Active Travel or Public Transport instead in line with the stated aims of the policy. However, should additional parking spaces be needed, the third bullet point states that developments should: "incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling". This policy wording does not preclude the provision of additional car parking within the town centre.

HomeZones

The requirement (or otherwise) for HomeZones to be made a mandatory feature of new residential developments will be outlined in the Residential Layout and Design Supplementary Guidance which the Council is currently preparing.

Public Transport

The limited accessibility of public transport for people with disabilities has been identified as a key issue within the Local Transport Strategy (p26). The LTS contains a commitment to improve the accessibility of school transport to pupils with disabilities (p68) and will also build upon previous initiatives to provide accessible low-floor buses for all users throughout the Area

The LTS supports a number of initiatives under LTS Policy No 5 (p58) which are intended to extend and improve the public transport network, and which the HwLDP Travel Policy takes cognisance of, including:

- The Council will develop provision of bus priority measures as a means of improving the attractiveness of bus travel in the more congested areas and providing a viable alternative to the car.
- The Council will seek to ensure that locations with potential for introducing bus priority measure are protected from development.
- The Council will secure developer contributions where required to provide high quality bus services to new developments from the date of opening

Integrated Transport

The Highland Council LTS Vision includes a commitment to "...establish an integrated transport network which supports safe and sustainable environments in which people can live, work and travel". The LTS (p71) commits the Council to "...seek to improve interchange facilities to enable easier transfer between different transport modes such as cycling and walking at railway stations". This approach is also proposed for airports as well as railway stations (c.f. 'INTEGRATION', p75).

Active Travel

Active Travel is one of the key themes of the Local Transport Strategy. To this end the Council has produced a series of Active Travel Transport Masterplans for all the main settlements within Highland which will guide improvements to the walking/cycling network and links into public transport within allocations in this Proposed Plan and future Area Local Development Plans. Developer contributions (Policy 32, p79-80) may also be sought and used to create new (or improved) cycle routes to connect new developments with existing routes (LTS, p43).

Electric Vehicles

Whilst [Scottish Planning Policy](#) (p34) provides support for the installation of charging points for electric vehicles, there is little demonstrable demand, and the economic viability of such an approach across the Highland Area is not proven. The current level of demand is extremely low, with the latest industry figures from the Society of Motor Manufacturers and Traders ("[Motor Industry Facts 2010](#)") showing that in 2009 only 55 electric vehicles were sold across the whole of the UK. By contrast, 14,645 hybrid petrol/electric cars - which do not require charging points - were sold in 2009. Although there is currently a three-year Prius Plug-in Hybrid Vehicle lease demonstration programme running in the UK (20 vehicles), there are no mass market plug-in hybrids on sale in the UK at present, and so demand for charging points is likely to remain low in the Highland area for the foreseeable future, and almost certainly for the period of this Plan.

Freight

The Council's Local Transport Strategy's Core Policy 13 (p86) already commits the council to "...identify suitable locations for lorry parking in and around major urban centres". The Highland wide Local Development Plan has to take cognisance of this under the Travel Policy (57).

Waterborne Transport

The Council's Local Transport Strategy's Core Policy 13 (p86) already commits the Council to support measures to achieve a relocation of freight transport from the road network to water transport and to support measures to introduce freight transfer facilities at the road/sea interface. However, individual ferry timetables and the ability of ferries to take HGVs will likely be demand-led.

The introduction of any new ferry service between Scrabster and Aberdeen would be demand led, although the Council will continue to support and jointly lobby for general improvements to the strategic and regional ferry network with its regional partners.

Air Travel

The Local Transport Strategy (which this Policy explicitly references for additional detailed policies and recommendations) outlines the Councils' support under LTS Core Policy 9 'Air' (p74) for connections to London and to an international hub.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Supplementary guidance*

1. In the supporting text for Policy 57, paragraph 20.31.3 refers to adoption of the *Local Transport Strategy* as supplementary guidance. Representation 324 raised a concern about references to supplementary guidance, as a result of which the Council was asked to provide additional information. In its letter dated 15 August 2011, the Council agrees that the *Strategy* should be referred to as a material consideration. I agree with this, and my conclusion is that paragraph 20.31.3 and Policy 57 should be altered accordingly.

2. The concern in representation 324 also applies to the last sentence of Policy 57, which says that the Council intends to adopt all core paths plans as supplementary guidance. I find that this sentence is a statement of intent, rather than of policy. The concern in the representation may be addressed by deleting this sentence and rewording the preceding sentence to make reference to Policy 78: *Public Access*. This latter policy deals with core paths.

Priority for investment

3. Representations (including 18 and 330) seek less emphasis on travel by private car and more emphasis on other modes of travel, such as rail. I note that *Scottish Planning Policy* seeks a shift from car-based travel to more sustainable modes, such as walking, cycling and public transport (paragraph 165). I find that this aspiration is adequately reflected in section 20.31 of the proposed plan. I also agree with paragraph 20.31.2 of the plan, where it refers to continuing need for reliance on private car travel in remote and sparsely-populated areas. I note that the proposed plan seeks to direct a very large proportion of new development to the Inverness and Inner Moray Firth area, where opportunities for travel by non-car modes will be greater.

4. Representation 486 contends that electric cars should be encouraged. The representation does not demonstrate how the proposed plan might do this. The Council refers to lack of demand and uncertain economics. In the circumstances, I find no need for the plan to refer to electric cars.

5. My conclusion is that the proposed plan need not be altered in response to these representations.

Road infrastructure

6. Representations refer to the road infrastructure. The A82, both as a long-distance route to Glasgow and in the vicinity of Fort William, should be improved (318). There is need for a Nairn by-pass (24 and 101), for a Thurso by-pass (81) and for improved links to Laid. The A9 at Tomich and Berriedale Braes should be improved (497 and 295). The A99 from Latheron to Wick should be made safer (81). The A838 on the west side of Loch Eriboll should be improved (295).

7. I note that A82, A96, A9 and A99 are trunk roads. Priority for improvement to trunk roads is assessed on a national basis, as indicated in the *Strategic Transport Projects Review*. Chapter 18 of the *Review* acknowledges proposed growth areas in the A96 corridor and the relief that would be provided at Raigmore Interchange if there were a new link between the A96 and the A9.

8. Priority for improvements to non-trunk roads is determined by the Council, using accepted methodology.

9. While all of the improvements sought in the representations appear to be worthy of consideration, I find that evidence fails to demonstrate that the development strategy set out in the proposed Highland-wide Local Development Plan is incapable of achievement because of insurmountable deficiencies in road infrastructure. I conclude that the plan need not be modified in response to these representations.

Home zones and safer routes to schools

10. There is concern that the requirement for home zones is not clear and that there is insufficient commitment to home zones and safer routes to school (533 and 93). In its response, the Council refers to supplementary guidance entitled *Residential Layout and Design*. This guidance is included in appendix 6.3 of the proposed plan, under the heading *Future Supplementary Guidance* (page 154).

11. As noted above in connection with representation 324, requests were sent to the Council regarding supplementary guidance. In a letter dated 14 September 2011, the Council identifies a need for reference to supplementary guidance in connection with Policy 30: *Design Quality and Place-making*. The guidance in question is referred to as *Residential Layout*. I take this to be the same guidance as that mentioned in the preceding paragraph. It is envisaged that the guidance will, among other things, seek designs that are safe, pleasant and easy to get around. Taking this in conjunction with the reference to safety and convenience that is included in Policy 57, my conclusion is that the policy adequately addresses matters that relate to safety, pleasantness and convenience and that, in so doing, there is no need for specific reference to home zones and safer routes to school.

Parking

12. There is concern that the plan does not mention parking provision in Nairn town centre (representation 24). I note that Policy 57 refers to mitigation (in the third bullet point) and to parking provision (fourth bullet point). I find that these references give adequate scope for consideration of need for parking, both on-site and off-site. My conclusion is that the plan need not be modified in response to this representation.

Road freight

13. Representation 386 refers to need for three things: ferries to be able to carry heavy goods vehicles, provision of secure overnight parking for lorries; and improvement to port access. I note that the Council's *Local Transport Strategy* supports use of water transport, commits the Council to seeking locations for lorry parking and says that the Council will support means to introduce freight transfer between road and sea transport (page 86, LTS Policy No. 13). In the proposed Highland-wide Local Development Plan, Policy 57 provides a link to the *Local Transport Strategy*. I find that this adequately addresses the representation. My conclusion is that the plan need not be modified.

Public transport

14. Several representations (93, 101, 355, 358, 422 and 443) make reference to public transport. Among other things, the Council's response indicates that Policy 57 takes cognisance of the need to

ensure that locations with potential for introducing bus priority measures are protected from development. I do not find that the policy makes this clear. Some additional text would remedy this and accord with concerns in the representations. The policy should be altered accordingly.

15. More generally, in its response, the Council refers to parts of the *Local Transport Strategy* that support improvements to public transport. Policy 57 provides a link to the *Local Transport Strategy*. I find that this adequately addresses the concerns in the representations.

16. Representation 355 wishes to see better access to buses for those who are disabled or who are accompanied by young children. I note from the Council's response that aspects of these concerns are recognised in the *Local Transport Strategy*. The *Strategy* features in Policy 57. I find that this adequately addresses the concern that has been raised.

Rail – general

17. A number of representations (including 168, 295, 330, 423 and 446) seek more investment in the rail network, both in general terms and in relation to specific proposals such as new stations at Conon Bridge and Beechwood. Representation 486 seeks railway electrification.

18. With regard to the particular case of Beechwood, see Issue 10: *Beechwood Campus*. I find that investment in the rail network is primarily a matter for Network Rail and the train operating companies in conjunction with investment priorities of the Scottish Government. Thus it is not a matter that need necessarily be addressed in the proposed plan. It would be appropriate for the plan to safeguard from other development land needed for rail network improvements, but only if there were some prospect of such improvements coming forward within the plan period. The representations do not demonstrate a need for such safeguarding.

19. I have already noted that the proposed plan seeks to direct a very large proportion of new development to the Inverness and Inner Moray Firth area. Both of the growth corridors shown in Figure 3 of the plan are traversed by railway lines. In this way the plan's strategy facilitates possible increased use of rail transport.

20. My conclusion is that the plan need not be modified.

Rail – level crossings

21. Representation 32 (from Network Rail) includes the following points. There are 36 level crossings in Highland Council's area. Increased use of a level crossing can have an impact on safety. Increased use may require reduced train speed with adverse effects on timetabling and service quality. The proposed plan should include a policy that is directed specifically to level crossing safety. The policy should refer to:

- the statutory requirement to consult the rail undertaker;
- closure of level crossings where possible;
- requirement for full assessment of impact of development on level crossings; and
- funding by the developer of any necessary level crossing improvement.

22. In its response, the Council explains that supplementary guidance associated with Policy 31: *Physical Constraints* will identify level crossings as a constraint. It will have to be demonstrated that development is compatible with level crossings.

23. *Scottish Planning Policy* (paragraph 174) states that the rail network is part of Scotland's strategic transport network, the primary purpose of which is safe and efficient movement between major centres. Proposals that may affect performance or safety must be appraised to determine their effects.

24. I find that the significance of level crossings in Highland merits some specific mention of them in the plan. My conclusion is that level crossings should be mentioned in Policy 57, with a reference to Policy 31.

Rail – Dornoch Firth crossing

25. Representations 20, 42, 81, 97, 168, 276, 295, 405, 407, 408, 423, 427, 430, 439, 441, 447, 487 and 536 say that the proposed plan should protect and promote the line for a rail crossing of the Dornoch Firth.

26. This subject is given consideration under Issue 82: *Caithness and Sutherland Vision*.

27. The Council says that the Dornoch Rail Link is unlikely to be implemented during the plan period. It has no current support or funding commitment from the Scottish Government, including in its Strategic Transport Projects Review (which has a 20 year time horizon). In the recent examination of the Sutherland Local Plan, the reporters agreed with the Council's position not to protect a route for the link. Neither is there any current commitment from Transport Scotland or Network Rail for reducing journey times on the Far North Line.

28. I find that there is little or no prospect of the Dornoch Rail link being implemented in the plan period. In these circumstances, I conclude that modification of the plan as sought in the representations is not justified.

Air transport

29. Representation 180, in suggesting that there be reference to international air connections, makes specific reference to the Inner Moray Firth spatial strategy. This aspect of this representation is addressed under issue 84: *Inner Moray Firth Vision*.

Cycling

30. Several representations (101, 168, 330 and 533) seek more support for cycling. The Council's response includes reference to the *Local Transport Strategy*. In the latter, I note that LTS Policy No 4 on page 53 includes the following.

The Council will seek to ensure that opportunities for encouraging walking and cycling through the development management process are maximised.

I find that this LTS policy gives somewhat firmer support to cycling than Policy 57 as it stands. *Scottish Planning Policy* supports increased travel by foot and cycling (paragraph 165). I am aware that Policy 57 makes reference to the *Local Transport Strategy*, but in this instance to address these representations my conclusion is that Policy 57 should be strengthened by inclusion of text along the lines of the above quotation from LTS Policy No 4.

Developer contributions

31. Policy 57 refers to mitigation and the possibility that developer contributions may be necessary. Representation 93 contends that developer contributions are helpful only if there is consultation with the local community, which is far better placed to know what mitigation would be effective. I find that the procedure followed by planning authorities when considering applications for planning permission includes requirements for giving publicity and inviting representations. My conclusions are that there is adequate opportunity for local views to be put before the Council and that the plan need not be modified in response to this representation.

Other matters

32. There is concern that significance of the road hierarchy is not explained fully (representation 453). I find that Policy 57 does not refer specifically to road hierarchy and its reference to the local and strategic network is sufficiently clear.

33. I have not mentioned every aspect of all the representations regarding Issue 57 but I have given consideration to them. My conclusion is that none of these other matters justifies modification of the plan.

Reporter's recommendations:

I recommend the following modifications:

1. In paragraph 20.31.3, delete the existing text and replace with:

Regard will be had to the *Regional Transport Strategy*, national transport policies and priorities, the *Local Transport Strategy* and any relevant guidelines produced by the Council in implementing the Plan.

2. In Policy 57, after the first bullet point, insert a new bullet point:

- in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;

3. In Policy 57:

at the end of the third bullet point insert 'and';

at the end of the fourth bullet point delete the semi-colon and put a full stop;

delete the fifth bullet point; and

after the fourth bullet point insert the following new paragraph:

When development proposals are under consideration, the Council's *Local Development Strategy* will be treated as a material consideration.

4. In Policy 57, after the new paragraph recommended in (3) above, insert a further new paragraph:

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

5. In Policy 57, after the paragraph that begins "The Council will seek the implementation.....", insert a new paragraph:

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 31: *Physical Constraints*.

6. Delete the last two sentences of Policy 57 ("In assessing.....to this Plan.") and replace with:

In assessing development proposals, the Council will also have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 78: *Public Access*.

Issue 58	Natural, Built and Cultural Heritage	
Development plan reference:	Policy 58 (Para 21.2, Page 105)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCS) (2) Brenda Herrick (5) Save our Dava (68) Royal Society for the Protection of Birds Scotland (RSPB) (78) Scottish Natural Heritage (SNH) (118) Angus McNicol for the Trustees of the Cawdor Marriage Settlement Trust (124) Elizabeth Budge (148) Professor Per Bullough (167) Grantown Community Council (192) John Waring (250) Eveline Waring (253) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Scottish Wildlife Trust (285) Transition Black Isle (330) Carbon Free Developments (379) Scotways (387) Moray Council (403) The Wellbeck Estates Co Ltd (418) SLR for RWE Npower Renewables Limited (419) The Ossian Trust (421) Mrs M Spirit (424) Seafeld Estates (432) The Dowager Countess Cawdor (434) Scottish Estates Business Group (445) Casa Planning and Environment Ltd for Cube Engineering (449) Jones Lang LaSalle for Spittal Hill Windfarm Ltd (450) M Gilvray (453)</p>	<p>Jones Lang LaSalle for PI Renewables (454) Biggart Baillie for Nanclach Ltd (457) Bowlts for Glenferness Estate (461) Jones Lang LaSalle for Wind Energy Glenmorie Ltd (462) Lethen Estate for EJ and M Brodie (463) Lethen Estate for Sarah Brodie Woodland (464) Scottish Rural Property and Business Association (468) Hugh Raven for Ardtornish Estate (469) CKD Galbraiths for Ardverikie Estate Ltd (478) Strutt and Parker for AWG Laing (480) Strutt and Parker for General & Mrs Balfour (481) Bowlts for the Nairnside Trust (483) Earl Cawdor (485) Strutt and Parker for Glenbanchor Estate (489) Strutt and Parker for Badanloch Estate (490) John Muir Trust (492) Strathdearn Against Windfarm Development (SAWD) (496) CKD Galbraith for Aberarder Estates (500) Caithness Archaeological Trust (504) John Clegg and Co LLP for Corrybrough Estate (505) CKD Galbraith for Moy Estate (513) CKD Galbraith for Wyvis Estate (523) Strutt and Parker for A G Laing's 1961 Settlement (524) Scottish Campaign for National Parks (530) Bowlts Chartered Surveyors for Cawdor Maintenance Trust (534)</p>	
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>National Parks</u> The Scottish Campaign for National Parks and the Association for the Protection of Rural Scotland are currently working on a joint project to promote a strategic approach to the designation of more National Parks (NPs) in Scotland; in 1990 the Countryside Commission for Scotland report The Mountain Areas of Scotland recommended that the Cairngorms, the Ben Nevis/Glencoe area and Wester Ross and should become National Parks. Also, the possibility of a coastal and marine NP in the Argyll/Lochaber/Inner Hebrides area was extensively discussed in 2006-2007. Only the Cairngorms NP has been established so far, yet we continue to consider that other parts of the Highlands are undoubtedly worthy of NP status. (530)</p>		

Wild Land

Considers that Wild land should be valued for its wildness and not for its use to people! Its importance should be protected not its significance for recreational purposes. There is concern about potential loss of biodiversity and tourism. [SPP \(2010\)](#) does not refer to Wild Land (para 128) under 'local designations' and it is considered that this is because the best wild land can be of national or international importance. Feels that Wild land needs safeguarded as the primary resource. Although not a designation, the importance of wild areas is stated both in the National Planning Framework for Scotland 2 ([NPF 2](#)) and the SPP (2010), and as such is of national level importance. They consider that the Council should protect the most special wild land and landscape as an international/national site. (2, 148, 453, 492)

They consider that the newness of wild land mapping and variety of possible criteria weighting that can be used to produce wildness mapping means this mapping must be done in open consultation. This is particularly important as the implementation of the development plan statements on Wild Land depends largely upon how this mapping is done. Additionally, they feel that SPP (2010) requirement to consider the constraint of a "limit" or "capacity," as stated in the SPP (2010) must be included in the supplementary guidance. The "features" referred to here should include areas with wild land character, and they would expect the wildness mapping which is underway, be used in this way. (2)

Questions whether climate change mitigation effects of windfarms in the Highlands will outweigh any damage to landscape and environmentally sensitive area? Suggests that climate change is a global phenomenon so any emissions savings within the Highlands will be insignificant on a global scale. Feels that there can be no justification for harming Highland's sensitive landscapes through inappropriate wind installations especially in its few remaining wild land areas. A far better signal for Highland is that the world's wild land areas are worth preserving intact. (167)

General comments

Judges that heritage should be fully protected for history and tourism; it is the lifeblood of Scotland. (250, 253)

Welcomes approach to pro-active protection of the natural environment but would like to see Loch Watanan catchment area given full protection and a complete embargo on development. (424)

Supports the policy but concerned that it is too late. (5)

Supporting Text

21.1.8 - The first sentence relates to the importance that the natural environment can play in relation to tourism, and thinks that it should also be recognised that the natural environment contributes to the health and well being of local communities and provides numerous ecosystem services, on which the Highland economy is dependent e.g. clean water for the whisky industry. (285)

The PolicyLinkages to other policies

Thinks that Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy (58). Feels that Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access. (285)

Precautionary principle

Deems that there is no basis in national policy to support the policy position that "where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the Development Plan". It is recommended that this statement is removed from the policy text as it is considered to add an additional policy test than what is provided through legislation and national policy. (268)

Generalised policy

They encourage the development of a policy specifically relating to archaeology rather than it forming an adjunct to more generalised policy. (504)

The legislative and national policy tests that apply to the consideration of development proposals that would have an impact on Scheduled Monuments, Category A Listed Buildings, National Nature Reserves, Sites of Special Scientific interests, etc, are different and therefore they consider that a uniform policy approach should not be taken forward into the adopted LDP. (268)

Biodiversity duty

It is considered that there is an opportunity here to reference the biodiversity duty under the [Nature Conservation \(Scotland\) Act 2004](#) – which would set the context of the policy. (285)

Believe or demonstrated

For features of local/regional importance it is recommended that the word "believe" is replaced with "demonstrated". They judge that this would add clarity to the policy in that it would put the onus on the developer to demonstrate that the development proposals would not have an unacceptable impact on the amenity of the heritage resources. (268, 450, 454, 457, 462, 481, 489, 490, 523)

Outweighing effects

They deem that the policy would be improved by a more logical hierarchy of preference e.g. development would need to be of international importance to outweigh significant adverse effects on amenity or heritage resource of national importance (453)

Minor factual changes proposed

They point out that the opening sentence of policy has 2 references to nature where it is not used in the context of the natural heritage. Also it is considered unclear why features of international importance are listed when other features are not listed. They also suggest amending some terminology for designations. (118)

Adding Natural Environment to policy test

They judge that for 1 and 2 - surely there should be a reference to development not having an unacceptable impact on the natural environment as well as *amenity* and *heritage resource*. They consider amenity and heritage on their own are to be ambiguous and are concerned that this may not be interpreted as meaning the natural environment. (285)

Significant impacts

It is submitted that this policy should be clear that it relates to significant unacceptable impacts rather than unacceptable impacts (419)

Statutory organisations

Believes that there is a need to make an amendment to wording to fully accord with consultation obligations. (449)

Setting

They welcome the requirement for other factors to "clearly" outweigh any significant adverse impacts, however from experience and indeed in guidance, judging whether an impact is "significant" is imprecise, which somewhat obviates the benefit of the requirement that it be clearly outweighed. (2)

They welcome the recognition that "setting" is a consideration, as this is not always picked up on in Environmental Statements. It is hoped that this policy wording will make it clear that the planning decisions are not purely about lines on maps but about fuzzy boundaries around features of interest. (2)

Judges that there is a need to address whether the landscape features and associated views are only significant within the site boundaries or whether they will have an impact on the surrounding land. (268)

Micro Renewables

Believes that for listed buildings/ conservation areas energy efficiency/ micro-generation needs to be made easier. (330)

Clarity of the mapping

Considers that Development Plans should provide clear guidance on what will or will not be permitted and where. SPP (2010) notes that this should be very clear from the proposals map. The SPP (2010) also states "only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan." They feel that this policy requirement of SPP (2010) sits particularly uncomfortably with the statement in Appendix 6.2 in that there may be features listed within Appendix 6.2 which have not yet been mapped but will still be subject to protection under policy. They consider that it would be impossible for decision makers to be clear of what is permitted where certain restrictions on development have not been mapped. They believe that designations should be clearly and precisely mapped first before consideration can be given to how, or indeed whether, they are used in a development plan, in order to comply with SPP (2010). (124, 268, 449, 450, 462)

They draw attention to an error on the map which should refer to Policy 58 not 59 (453)

Categorisation of Natural, Built and Cultural Heritage Features

They welcome inclusion of local/regionally important tier of protection however would like to see a list of Local Nature Conservation Sites and suggest additions to it. (78, 285)

They consider that NSA's were not intended to, and do not, cover all landscape of national importance but were to be representative of various types. They also consider that National Scenic Areas (NSA's) are not in a lesser category than, say, Special Protection Areas (SPA's) or Special Areas of Conservation (SAC's) because the latter happen to derive from an EU Directive. Since there are no European designations for landscape, the nationally recognised designation, NSAs, is the highest level of protection for landscapes that we have. (492)

Appendix 6.2 of the LDP provides a definition of natural, built and cultural heritage features, with respect to whether they are considered to be local and regionally important, nationally important or of international importance. They have significant concerns regarding the inclusion of certain receptors within the definition of national importance and the application of the associated policy context. They have included a Production in their representation which provides an assessment of the receptors as 'national importance' and provides recommendations accordingly. To summarise this they feel that features of international importance solely relate to designated sites under legislation, but that the listed features of national importance are a mix of designated sites and other receptors that do not generally benefit from formal planning designations. They consider that to include a Tree Preservation Order (TPO) as being a feature of national importance is unacceptable. A TPO is confirmed under Council powers and they judge that this should only be considered as being of local or regional importance. (268, 453)

SLAImplementing SLA protection through policy 58

They consider that the [Assessment of Highland Special Landscape Areas](#) (AHSLAs) used to formulate the boundaries of the SLAs does not assess the capacity of these areas to accommodate development. They feel that without this the SLAs are inappropriate and ineffective designations. Furthermore, they feel that policy within the HwLDP which gives effect to the AHSLA cannot be properly implemented due to the narrow scope of the document. They refer to Para 139 of SPP (2010) and specifically to the part that says that the ongoing relevance and function of local designations should be considered when development plans are prepared. They would also like details of how the Council will follow up on this study. (453, 480, 489, 490). Asks for the AHSLA to be included as part of the examination. (489, 524)

Despite the fact that the SLA designations do not have a statutory base there is concern that SLA's may stifle land use changes in the future. They consider that there is a need for flexibility in interpreting the SLA citation.(445)

The policy refers to special qualities; however they think that no guidance is provided on how special qualities may be identified by a developer and how an assessment against this term may be made. They consider this policy to be inconsistent with the policy requirements of SPP (2010) paragraph 17. (462, 450, 457)

They are concerned that the SLA designation will not be effective at facilitating positive change in the landscape and could inhibit the development potential and attractiveness of the areas to business. The Landscape and Natural Heritage Policy of SPP1 states that: Para 127: 'Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character.' Para 132: 'The precautionary principle should not be used to impede development unnecessarily. Their concern is that HwLDP will not be effective at facilitating positive change; and will in fact impede what could be appropriate development. They feel that the council is using precautionary principle to impede development unnecessarily, and that this is contrary to SPP (2010). Ossian Trust also make a specific representation with regards to their plans to construct a monument (further details of which are provided in their representation). (421, 418, 481, 489, 480, 490)

They consider that no economic assessment has been undertaken on the impact of this designation on a fragile economic area. They believe that any designation which restricts or places an additional burden upon the management of these land management activities within this fragile area to be detrimental and unwelcome with potential to be prejudicial to the area's long term social and economic wellbeing and sustainability as a rural workplace. They are concerned that the designation will be prejudicial to the living landscape. (124, 379, 534, 432, 434, 457, 461, 463, 464, 483, 485, 513)

Points out that the area is in the hinterland of the RAF base at Kinloss which has recently been identified for closure, which is widely expected to be extremely detrimental to the economy of the area. They consider that the last thing they need is an unnecessary/unjustified restriction on existing and future enterprise. (124)

Because of the amount of land within Highland covered by SLA (24%) and other environmental designations with large swathes of the HwLDP plan area designated as less suitable for development there is apprehension about the Council introducing further designations. They consider that Scottish Planning Policy confirms that local authorities should not impose additional zones of protection over areas already designated for their landscape of natural heritage value. They feel that the plan does not make it in any way clear why this is the case or how the council has arrived at this conclusion. Therefore they conclude that the scope of the assessment is insufficient to allow it to be appropriately used in support of the HwLDP. (124, 2379, 461, 480, 489, 490, 505)
One objector considers that a large proportion of Ben Wyvis is already designated as NNR, SAC and SSSI, and that NPPG 14 indicates that to avoid a proliferation of designations careful thought should be given before adding local landscape designations; and therefore they question the purpose of this designation. (523)

They feel that the guidance is unclear and cannot understand how account be taken of areas not mapped. (432, 434, 513).

There is unease about what is thought to be the redesignation of non-statutory Areas of Great Landscape Value to Special Landscape Areas (SLAs). (468)

Some feel that it would be more consistent with the advice contained in the SPP(2010) if the title SLA was changed to Local landscape Area to reflect the guidance contained in paragraph 139 of that document. Also the wording of the middle column of the first row of the table in paragraph 25.3.1. (SLA) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (490, 480)

Proposed AGLV's (now SLA's) from HSP (2001)

States that any remaining AGLV still at the proposed stage will be full SLA's without having gone through the Area local plan, feeling that this advances its status without formal process. The plan

makes reference to the Drynachan, Lochindorb and Dava Moor SLA as having AGLV status where it was only a proposed AGLV. (124, 534, 445, 457, 461, 463, 483) The same issue is made in relation to Ben Wyvis (454) and Ben Griam and Loch Nan Clar SLA (490) It is considered that less than 15% of the Drynachan, Lochindorb and Dava Moors SLA has been adopted as an AGLV (that within the [Inverness Local Plan](#)) and therefore they feel that this area cannot be an 'existing AGLV'. (124, 534, 483)

Scope of the assessment of SLA's, and their original identification

They feel that the observations by the consultants etc. in preparing the AHSLA study are not reminiscent in character to any of the landscapes which should be designated as SLA. (524, 480, 481)

The Executive Summary of the AHSLA, states: "The study was not intended to constitute a comprehensive review of local landscape designation in The Highland Council area, and its scope was limited by its starting position as defined by the existing AGLVs." (124) The AHSLA examines the function of the former Highland Areas of Great Landscape Value however it does not examine their individual ongoing relevance; it assumes that the Areas of Great Landscape Value remain relevant despite the lack of any Landscape Capacity Assessment in the original identification of the AGLV's. This risks undermining tourism objectives. (434, 480, 481, 489, 490)

Following [SNH Guidance on Local landscape Designations](#) and the SPP (2010)

They point out that the Council has not followed the SNH/HS 2004 guidance on the production of Local Landscape Designations in regard to the identification and designation of the Drynachan, Lochindorb And Dava Moors SLA or other AGLV's considered to be proposed AGLV's. This sets out an eight step review process, "The Process of Reviewing Local Landscape Designations", which has not been followed nor adhered to. Designation of the Drynachan, Lochindorb And Dava Moors SLA would not accord with national planning guidance and policy as set out in NPPG 14. (124, 461, 480, 481, 483, 490, 524, 534)

Specifically concerned with the Drynachan, Lochindorb and Dava Moors pSLA that areas of landscape that are neither significant enough to be included in, nor are relevant to the overall pSLA. (379, 457)

They consider that there has been no re-evaluation of the existing proposed AGLVs. The process and criteria for designating areas has not followed that outlined in SNH/HS guidance and recommended processes. They feel that this process would have been a logical framework for the review of the SLA's which all stakeholders would be able to understand and participate in. (379, 418, 445, 454, 490, 500, 523)

It is considered that the Council has made no effort to carry out detailed landscape characteristics. They believe that the inclusion of these sites to be based on a study carried out by Horner and MacLennan & Mike Wood Architects does not appear to be adequate basis on which to merit the designation of sites. They are concerned that the approach of the Council to adopt this proposed site has not been thought out with respect to the criteria for adoption, boundaries for the site, and the consultation process. (500)

They point to SPP (2010), para. 139, which states "The reasons for designation should be clearly identifiedThe reasons for designation should be considered when development plans are prepared". They suggest the Council has not done this and is seeking to justify the Drynachan, Lochindorb and Dava Moors SLA in hindsight. SPP (2010) goes on (para. 140) to identify the purposes of designating a local landscape area in the development plan. However, it is judged that the Council has not justified the Drynachan, Lochindorb and Dava Moors SLA on any of these grounds and that none apply. (124)

They state that SNH Guidance on Local Landscape Designations indicates that the identification process should be informed through wider public debate. The development of criteria is an essential element of this process and should be developed by agreement with all interested stakeholders. They suggest that the Council did not develop criteria in respect of the areas contained within the

[HSP \(2001\) \(part 2 Landscape section paragraph 2.14.7\)](#) in this way. They feel that the process for designating areas has not followed that outlined in SNH guidance and recommended processes. They believe that for the Drynachan, Lochindorb and Dava Moors Moor SLA that areas of landscape that are neither significant enough to be included in, nor are relevant to the overall pSLA. (379, 445)

Feels that due process has not been followed and further the Highland Council have not followed SNH guidance on production of Local Landscape Designations nor guidance set out in NPPG 14. It is considered that this represents unnecessary proliferation, given the assessment of the area under the Moray and Nairn Landscape Assessment and the Cairngorm Landscape Assessment. (379, 457, 464, 463)

Issue with HSP (2001) methodology

The HSP (2001) set out 6 criteria against which the pAGLVs were to be assessed. They consider that several of the statements and landscape descriptions/designations set out within the AHSLA, [Moray and Nairn Landscape Character Assessment](#) (M&NLCA) and the [Cairngorms Landscape Character Assessment](#) (CLCA) support this statement. However they feel that the Moray and Nairn Landscape Character Assessment does not identify the area as having special character worthy of designation as an SLA. They believe that that within neither of these documents is the area covered by the proposed Drynachan, Lochindorb and Dava Moors SLA identified as being unusual, rare or of any other special merit. They further note that the citation for the Drynachan, Lochindorb and Dava Moors SLA appears to contrast with references within the Moray and Nairn Landscape Character Assessment, which records natural regeneration of woodland and identifies native pine forests in the area as affecting the “openness of the heather moor”. (483)

It is considered that the AHSLA, and hence the HwLDP is misleading land managers and stakeholders. No proper process has been undertaken for its designation; no justification has ever been provided for, nor any consultation carried out on its existence let alone its boundary. The original evaluation in the HSP (2001) was not released for consultation as a HSP (2001) background document. They feel that the Council has not followed its own procedure identified within Proposal L3 of the HSP (2001) for the designation of the Drynachan, Lochindorb and Dava Moors which they consider to be a special case. The AHSLA did not assess the Drynachan, Lochindorb and Dava Moors SLA in relation to this criteria and this seems illogical and counterproductive given that this is the first time that this proposed/indicative SLA had been subject to any form of review. They feel that the citation is an attempt to justify the adopted area retrospectively. (124, 379, 457, 461, 480, 481, 483, 485, 524, 534)

As identified by the Council, the origin for the Drynachan, Lochindorb and Dava Moors is the HSP 2001 where it features on the plan (fig. 12; approx. scale 1:1.5 million) in the Landscape chapter, as a small mark. The proposal (L3: Areas of Great Landscape Value) associated with this plan states that: “Local Plans will identify Areas of Great Landscape Value in general accordance with the areas indicatively identified in Figure 12. Existing Areas of Great Landscape Value and other designations will be reviewed by The Council and brought forward for inclusion in the Structure Plan.” (124)

They consider that the lack of review means (with respect to Ben Griam and Loch Nan Clar, and Ben Alder, Laggan and Glen Sanchor) that neither the AHSLA nor the HwLDP is compliant with the HSP (2001) or The Scottish Planning Policy 2010. The SPP Para 139: The ongoing relevance and function of local designations should be considered when development plans are prepared. The AHSLA study did not assess the SLA No. 7, Ben Griam and Loch Nan Clar and Ben Alder, Laggan and Glen Sanchor relevance to these HSP (2001) 6 qualifying criteria. Given that this was the first time that this proposed indicative SLA had been subjected to any form of review they consider this approach to be illogical and counterproductive to the formation of appropriate, effective planning policies. (489, 490)

DPEA recommendations

They believe that in considering the appeals on wind energy developments that the DPEA has made comment on the appropriateness and effectiveness of the AGLV (now SLA) designations and suggested that these need to be reviewed. The AHSLA study falls short of the review recommended by reporters. Whilst we appreciate that there was no obligation on Highland Council

to follow reporter's recommendations in the light of the weight of other national guidance it is appropriate for the Council to implement the DPEA recommendations. (480, 481, 489, 490, 524) Nanclach make reference to the Inverness Local Plan Inquiry issue 3.5 (supporting document attached to representation) and the reporter's conclusion which is not considered to have been undertaken as part of the delivery of the Inverness Local Plan. "The identification of AGLV's will require a detailed appraisal of landscape character and quality, based on HSP (2001) criteria throughout Highland, and may have to be refined to suit a more local scale, and detailed boundary definition." (457)

Consultation on SLA's

Consider that landowners are the most interested and involved group but have not been directly included in a formal way. This has restricted their opportunity to comment. Such a designation could have a profound and detrimental impact on existing and future rural businesses (124, 534, 379, 445, 457, 463, 464, 483, 485, 489)

They feel that consultation is being held on the citations at the end of the process rather than when the selections were being made. They believe that there has been no previous review of the SLAs and understand that the consultation did not review the relevance of the SLAs. The scope of this recent study, 'was limited by its starting position as defined by the existing AGLVs". (489, 379, 445)

Making the AHSLA statutory Supplementary Guidance

Referring to SPP (2010): they consider that the scope of the AHSLA is insufficient to be included in the HWLDP, and that the AHSLA should be included as supplementary guidance. This would have helped the public understand the role of the assessment in the plan preparation process. They object to the consultation on the AHSLA Citation (AHSLA) being undertaken outside of the statutory consultation on the Highland wide Local Plan (480, 481, 490, 524)

Areas of SLA's outwith the Highland Council boundary

Moray Council: welcomes the proposals by the Highland Council to protect landscapes of high quality. However, it should be noted that the proposed SLA adjacent the Highland/Moray local authority boundary is not mirrored within the Moray Council area. This may lead to cross-boundary issues for the Highland Council rather than the Moray Council when assessing proposals. However although there are some subtle differences in policy approach it is not considered that these are not substantial enough to cause significant cross-boundary issues between the Moray Council and Highland Council areas. (403)

They feel that the fact that the proposed Drynachan, Lochindorb and Dava Moors SLA area overlaps the Cairngorm National Park Authority (CNPA) boundary in at least four places indicates that the LPA has not undertaken any authentic review of the pSLA boundary since the creation of the national park in 2003. They feel that the Council has no justification for including areas of the CNPA within this proposed designation and has not provided any. Also they believe that there is a lack of endeavour applied to this designation and that there is no coherence to the pSLA. (534, 485)

Drynachan, Lochindorb and Dava Moor SLA

Given the spread of wind farms across Scotland it is essential that we protect as many special areas as possible. Scotways hope that, by maintaining this SLA, extra protection against inappropriate developments can be achieved. (387)

They consider it vital that the unique environment, amenity and landscape quality of Dava, and in particular the historical Lochindorb section, is protected by continued designation as SLA, to exclude it from consideration for windfarm and other modern developments such as commercial forestry planting. This applies not just to the immediate site but also to adjacent land clearly visible from Lochindorb and Dava. (192)

They feel that the Highland Council should reinstate the original SLA boundary. A section of the designated area was taken out following representations by Eurus Energy UK Ltd in 2002-3 because its proposed Glenkirk windfarm site inconveniently fell within part of the area. They maintain that the section which was removed forms an integral part of the designated area and refute the reasons for removal proffered by Eurus. They consider that robust protection of this SLA from any man-made

development is important. (496)

Object to the Drynachan, Lochindorb and Dava Moors SLA as it is not considered that the area has the characteristics to warrant this designation (432, 513, 434) They consider that these HSP criteria do not relate to the Drynachan, Lochindorb and Dava Moors SLA (as explained in detail in their representation). (124)

Note that the Drynachan, Lochindorb and Dava Moors SLA is identified as relating to an area of open moorland notwithstanding that, within the boundaries of this, significant woodland plantations exist. They do not consider that such plantation areas are compatible with the description and characteristics identified within the Drynachan, Lochindorb and Dava Moors SLA citation as being important for protection. As part of this process, an Environmental Impact Assessment was undertaken and the area subsequently approved for woodland planting. Further, as woodland, it cannot be considered to form part of the "high rolling moorland" described within the Drynachan, Lochindorb and Dava Moors SLA citation. They feel that this woodland plantation area should never have formed part of the pAGLV. (483, 534)

In the CLCA it simply states the area has a 'remote feel'. While this may be true, they feel this cannot be regarded as an adequate justification for designation when taken in the round. It is clear the Drynachan, Lochindorb and Dava Moors SLA and its use within the HwLDP is not supported by SNH's Landscape Character Assessments. The Drynachan, Lochindorb and Dava Moors SLA runs across the northern boundary of the CNPA, however they feel that the Council has failed to provide any reason why an area adjoining - and including - the Park merits a local designation, which from the SPP (2010) standpoint would require exceptional circumstances. (124)

It is considered that the Drynachan, Lochindorb and Dava Moors SLA conflicts with the M&NLCA as well as the CLCA. Within neither of these documents is the area identified as having merit as being special, unusual or rare. (124, 534, 461). The M&NLCA, page 106, merely notes that the area 'provides a distinctive visual contrast...with the largely wooded character of the Moray and Nairn landscape to the north and Strathspey to the south'. The M&NLCA identifies the Drynachan, Lochindorb and Dava Moors SLA area as one 'experiencing considerable landscape change as natural regeneration of woodlands occurs'. It also identifies the native pine forests in the area, such as the one to the north of Lochindorb in the centre of the Drynachan, Lochindorb and Dava Moors SLA, as 'gradually affecting the openness of the heather moor'. This contrasts starkly with the purpose of an SLA which is to conserve landscape features. (124)

Within the context of the SLA boundary and the draft citation qualification criteria, they note that recent amendments have re-included two areas around Drynachan that were excluded in 2006 for unknown reason from the original boundaries as defined from field surveys conducted by Highland Council in March 2001. Other 2006 amendments however remain in place on the citation map plan, and Save Our Dava would wish to take the opportunity to draw these to the Council's attention for possible reversion to original lines in due course. Further detail and photos illustrating their points are included in their representation on boundary changes proposed. (68)

The original Drynachan, Lochindorb and Dava Moors SLA (shown in figure 12) comprised most of the Uplands landscape type that was within the Highland Council Boundary, but the pSLA includes additional area of "uplands and glens" as well as two small areas of rolling uplands to the west (INV2 see attached map). They note that the neighbouring Morayshire Council area has not been deemed important enough for designation, suggesting the following of political boundaries rather than geographical/landscape boundaries of intrinsic value. (379)

The boundary as drawn has not been explained at the time of the HSP (2001) and at this point there is no explanation in the pSLA citation. The boundary is not explained by enclosing a single landscape character type. Considering these distinct areas it would be more logical for a revised boundary (detail of this proposed amendment given in this representation). (457)

They find it questionable that this area should be included when it apparently has so few features of landscape importance. (500)

Inninmore Bay and Garbh Shlios SLA – object to the inclusion of certain areas within the proposed designation or else give it the same boundary as the existing SAC. (469)

Ben Griam and Loch Nan Clar SLA

They suggest that there have been inappropriate assumptions made by the Council in designating the SLA No. 7, Ben Griam and Loch Nan Clar and the shortcomings in that process relative to national and local guidelines on the matter. They find that the observations by the consultants, specialists in their field employed to prepare the AHSLA study are that this SLA is not reminiscent in character to any of the landscapes which should be designated as SLAs. (490)

Ben Alder, Laggan and Glen Banchor SLA

Around half of this SLA is owned by Ardverikie Estate and they are concerned at yet another designation and as half the SLA is within the CNPA, they consider that the SLA designation may be construed as being superfluous. They are also concerned about the criteria used which has resulted in this SLA being identified. (478)

Modifications sought by those submitting representations:

National Park

If the Proposed LDP would commit your Council to investigating the possibility of further NPs during the LDP period, the Council together with representatives of other agencies could determine precise boundaries for further National Park designations. (530)

Wild Areas

The final Plan should not describe Wild Areas as 'locally or regionally' important as this is incorrect. (2, 492)

Protect wild land from renewable energy development (assumed) (167)

Unclear if any modification is sought, assume that she supports Council's recognition of wildness as opposed to previous terminology as remote areas of value for recreation (148)

General Comment

Heritage should be given greater policy protection (assumed) (250, 253), Loch Watenan catchment should have complete protection (431)

Supporting text

Recognise that the natural environment contributes to the health and well being of local communities and provides numerous ecosystem services. (285)

Re-word para 21.1.7 to read, "Where necessary, appropriate assessment (assessing those aspects of the Local Development Plan that are likely to have a significant effect on a European Site in view of that site's conservation objectives and qualifying interests) is undertaken for allocations prior to adoption of the Local Development Plan. However, further appropriate assessments may be required to be carried out for proposed developments prior to determining planning applications." (118)

The Policy

Linkages to other policies

Seek linkages to be built between policies 58 Natural, Built and Cultural Heritage, Green Networks, 75 Green Networks and 76 Open Space (285)

Precautionary principle

Remove "where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the Development Plan". (268)

Generalised policy

Seeks separate policy for Archaeology. (504)

Uniform policy approach should not be adopted. Recommend that further thought is given to the appropriate policy tests for each of the features of national importance, which would require to reflect the national policy and legislative position applicable to each. (268)

Biodiversity duty

There is an opportunity here to reference the biodiversity duty under the Nature Conservation (Scotland) Act 2004. (185)

Believe or Demonstrated

The wording of the first bullet point should be amended to read: “For features of local/regional importance developments will be permitted unless it can be demonstrated that they will have an unacceptable impact on the amenity and heritage resource”. (268, 450, 454, 457, 481, 489, 490, 523)

Outweighing effects

Change policy to reflect need for International importance to outweigh significant adverse effects on nationally important features. (453)

Minor factual changes proposed

Paragraph 21.1.2 should refer to GCR sites and RIGS as “un-notified Geological Conservation Review Sites and Local Geodiversity Sites.” (118)

First sentence of policy amended to read, “All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting” (118)

Remove list of international features. (118)

Adding Natural Environment to Policy test

Also For 1 and 2 - surely there should be a reference to development not having an unacceptable impact on the natural environment. The Scottish Wildlife Trust recommends that the wording is revised and strengthened. (285)

Significant impacts

Local/regional policy: should relate to significant unacceptable impacts rather than unacceptable impacts (419)

Remove word ‘significant’ from 21.2.2. in relation to adverse effects on national and internationally important features (2)

Statutory organisations

The following amendment is necessary to fully accord with consultation obligations; ‘For features of local/regional importance we will allow development if we believe that they will not have an unacceptable impact on the amenity and heritage resource, in consultation with the relevant statutory organisations’ (449)

Setting

Need to address whether the landscape features and associated views are only significant within the site boundaries or whether they will have an impact on the surrounding land. (268)

Support “setting” in current wording. (2)

Micro renewables

Transition Black Isle: Review of planning restrictions on listed buildings/ conservation areas to make energy efficiency/ micro-generation easier in those situations.(330)

Clarity of mapping

These designations should be clearly and precisely mapped first before consideration can be given

to how, or indeed whether, they are used in a development plan. (462, 450,457,124) and assumed for (449, 268)

Amend Proposals Map to refer to Policy 58 (453)

Categorisation of Natural, Built and Cultural Heritage Features

Move TPO's to locally/regionally important category. (268, 453)

Would like to see list of Local Nature Conservation sites. (78, 285)

There should be elements of Wild Land and NSA's which are given protection as an internationally important heritage feature. The Plan must state clearly that the best landscapes are worthy of the highest level of protection against inappropriate development. (492)

Factual error – Proposals Map

The Legend should be amended so that where it reads as see policy 59 it instead reads see policy 58 (489, 480, 490)

SLA's

Implementing SLA protection through policy 58

HWLDP Appendix 6.2, Para. 25.3.1, Definition of Natural, Built & Cultural Heritage features It would be more consistent with the advice contained in the SPP (2010) if the title a SLA was changed to - Local Landscape Area to reflect the guidance contained in paragraph 139 of that document. (489)

The wording of the middle column of the first row of the table in paragraph 25.3.1. (SLAs) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (489)

There needs to flexibility in interpreting SLA guidance at planning committees. (445)

It would be more consistent with the advice contained in the SPP (2010) if the title SLA was changed to Local landscape Area to reflect the guidance contained in paragraph 139 of that document. The wording of the middle column of the first row of the table in paragraph 25.3.1. (SLAs) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (480, 490)

Scope of the assessment of SLA's, and their original identification

The Assessment of Highland SLAs should not be a background paper (assumed) (432, 434, 462, 450, 457, 490, 513)

The AHSLAs is insufficient to be part of the HwLDP and should be included as Supplementary Guidance (480, 481, 524)

SLA's should not be included as a locally/regionally important feature and should not be recognised in this policy. (assumed) (534, 379, 421,418, 432, 434, 445, 457, 461, 463, 464, 468, 480, 481, 483, 485, 489, 490, 500, 505, 513, 523)

A full review of SLA's should be undertaken (524, 480, 481, 457)

Proposed AGLV's (now SLA's) from HSP (2001)

The entire Drynachan, Lochindorb and Dava Moors SLA should be removed from the HWLDP. (124, 534, 432, 434, 457, 461, 480, 481, 483, 485, 500, 513, 524) with the AHSLA being considered as part of any Local Plan Review in the interim period (534)

Retain Drynachan, Lochindorb and Dava Moors SLA. (assumed 68, assumed 192, 387)

Consultation on SLA's

Consultation should be undertaken as part of review of SLA's (124, 534, 379, 445, 483, 489) and assumed (457, 463, 464, 485)

DPEA recommendations

Follow the DPEA recommendations and review SLA's. (457, 480, 481, 489, 490, 524)

Making the citations statutory Supplementary Guidance/ part of the HwLDP

Objection to The AHSLAs being undertaken outside of the statutory consultation of the HwLDP. (480, 481, 524)

Boundaries of SLA's

Plantation of Drynachan, Lochindorb and Dava Moor SLA should be removed from SLA (534)

Amend Drynachan, Lochindorb and Dava Moor SLA to exclude CNPA (assumed) (534, 485)

Revert to HSP (2001) boundary for Drynachan, Lochindorb and Dava Moor SLA (68, 496)

Amend boundary of Drynachan, Lochindorb and Dava Moor SLA to that shown in figure 1 (attached to representation). (379)

Amend north western boundary of Drynachan, Lochindorb and Dava Moor SLA (as shown in Figure 6). (457)

Drynachan, Lochindorb and Dava Moor

Refer to previous modifications suggested under Proposed AGLV's (now SLA's) from HSP (2001), and on Boundaries of SLA's.

Inninmore Bay and Garbh Shlios

Objects to the inclusion of certain areas within the proposed designation or give it the same boundary as the existing SAC. (469)

Ben Griam and Loch Nan Clar SLA

Remove the "Local Regional Importance" designation relative to SLA No 7, Ben Griam and Loch Nan Clar from the Highland Wide Local Development Plan Proposals Map. (490)

Ben Alder, Laggan and Glen Banchor SLA

Re-assessment and reconsideration of SLA No 23, Ben Alder, Laggan and Glen Banchor and in the meantime it's deletion from the citations document and the HwLDP proposals map. (489)

Summary of responses (including reasons) by Planning Authority:National Park

At present the Council is not inclined to investigate the potential for new National Parks therefore the HwLDP should not make any statement which suggests that the Council will be taking this forward.

Wild land

The Council does not accept that the second paragraph of the background to wild areas needs amending. The amended wording suggested by SNH implies that the Council has accepted that it will be a designation that will be split between national and local/regional. At this stage there is no commitment to a wild land national designation, and the SPP (2010) does not identify the significance/importance it attributes to wild land. Therefore the Council will not commit to accepting it as a national feature. It should be noted that as per 21.1.2 of the plan, locally and regionally important features can be features identified by national organisations.

The Appendix 2 identifies that Supplementary Guidance will be produced that will contain advice on how to best accommodate change within these areas of wild land while safeguarding their qualities. It also states that prior to wild land being identified, proposals that may have an adverse impact on the wild land resource should undergo an assessment process. To produce this assessment applicants will need to refer to Scottish Natural Heritage: Assessing the Impacts on Wild land interim guidance note.

Wind energy represents a challenge to wild land, because of its highly visible nature. The Council is currently consulting on draft Onshore Wind Energy Supplementary Guidance. This will provide policy guidance on this issue, with policy 58 geared towards all types of development it cannot give the detailed (specific development type) guidance. Professor Bullough has been consulted on this.

General Comments

Policy 58 provides appropriate protection for Natural, Built and Cultural Heritage features. Non specific representations seeking additional or embargo protection are resisted because we seek to protect these features in line with national/international policies and legislation. There needs to be consideration of other issues not just natural heritage in balancing planning decisions.

Brenda Herrick's support is noted.

Supporting text

The Council agrees with the sentiment that our Natural, Built and Cultural Heritage is important in terms of health and well being as well as various economic benefits including tourism. However tourism and economic benefits are already recognised in the supporting text for Policy 58 and in the Vision at 4.2.4 of the plan there is recognition of its importance in relation to a healthier Highlands.

The Council commends the SNH change of wording 21.1.7.

The Policy

Linkage to other policies

The Council does not consider it necessary to add text within policy 58 pointing to Green Networks and Open Space policies. It should be noted that 18.2 of the plan states clearly that any proposal will need to be considered against all relevant policies of the plan. Within our draft Green Networks Supplementary Guidance the linkages can be more fully expressed, "The aim of the Green Network is to help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments. Green Networks already exist in this area and comprise important habitats and recreation opportunities. The green network is about protection and where possible enhancement of these spaces and places, enabling new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape."

Precautionary principle

The wording 'where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the development plan' is important. SPP (2010) acknowledges that planning authorities should apply the precautionary approach where the impacts of a proposed development is uncertain. Obviously as per SPP (2010) this would not be used to impede development unnecessarily and the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

Generalised policy

The Council has worked closely with SNH and Historic Scotland to ensure that the one policy covering all these features is fit for purpose. This approach respects the Scottish governments desire to see concise Local Development Plans. There is no objection to the general policy approach by either SNH or Historic Scotland as any amendments sought to address this issue had already been considered at Examinations on the [West Highlands and Islands](#), and [Sutherland Local Plans](#). The Reporter then made recommendations which the Council followed and which are now also reflected in this plan.

With regards to concern that the archaeology is not covered in sufficient detail the supporting text mentions the imminent draft Supplementary Guidance Highland Historic Environment which will give more detailed guidance on this.

Biodiversity duty

With regards to the reference to biodiversity duty under the Nature Conservation (Scotland) Act, the Council feels that if the reporter is minded to accept this change they should consider whether it might be better placed under Species and Habitats 21.3.1.

Believe or demonstrated

The Council feels that 'believe' should be kept rather than 'demonstrated' because whilst the onus is on the developer to demonstrate it is the Council who must be satisfied that they 'believe' there is no unacceptable impact.

Add natural environment

It is not felt that the suggested wording change to add natural environment to 'heritage and resource' is necessary as it is not considered to add additional meaning to the policy.

Outweighing effects

The current wording of features of national importance being clearly 'outweighed by social or economic benefits of national importance' is considered logical and follows the SPP (2010).

Minor factual changes proposed

The Council agrees that the SNH revised wording for the first sentence offers better clarity to the reader. Also changes to remove the list of international features and the renaming of the geological features are commended to the reporter.

Significant impacts

For features of local/regional importance if impacts are deemed unacceptable then surely they have to be significant enough to be judged as unacceptable.

For 'significant adverse impact' on nationally important features the Council supports the use of the word significant as it ensures that the Council does not impede development for minor adverse impacts.

Statutory organisations

Statutory consultees will be consulted whether this is mentioned in the policy or not. The Council does not feel that this represents a necessary addition.

Setting

Note the support of MCoS to use of 'setting'. The policy acknowledges the importance of the features setting. When assessing whether a proposal might impact on a feature this rightly acknowledges that it can be from development outwith the designation or feature.

Micro renewables

The Scottish Government have recently extended Permitted Development rights (developments that do not require planning permission) for micro renewable development. However there are still significant constraints on listed buildings and conservation areas and this is largely influenced by the legislation that exists. Historic Scotland provides guidance on energy efficiency and the use of low carbon equipment for Listed Buildings and buildings in Conservation Areas. The Council will be consulting on its own Highland Historic Environment Supplementary Guidance and intends to produce its own Conservation Area Appraisals. This will allow us to consider the unique circumstances of each of our Conservation Areas and provide guidance which can consider how and where micro renewables can be accommodated.

Clarity of the mapping

The SPP (2010) states, "Development plans should provide clear guidance on what will or will not be permitted and where. This should be very clear from the proposals map. Only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan. Plans should therefore provide opportunity and stability."

Whilst the Council has endeavoured to provide mapping where possible, where it cannot there is nevertheless "clear guidance on what will or will not be permitted and where." Policy 58 clearly states that the policy must be read in conjunction with the policy framework at appendix 6.2 and the Proposals Map. Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#).

In the case of wild land, mapping for this feature is not yet available but will be in the life time of the Highland wide Local Development Plan. There is a clear policy given in Appendix item as to how the Council expects this issue to be dealt with in the meantime. There is also a hook for the

Supplementary Guidance which will be prepared and consulted on in due course.

For locally important croft land there is no comprehensive map base for the Council to use but policy 48 makes the way we intend to safeguard croft land clear. Likewise although all amenity trees are not mapped the Supplementary Guidance for Trees, Woodland and Development makes the Council's position and the process for developers to follow clear.

Categorisation of Natural, Built and Cultural Heritage Features

Local Nature Conservation Sites identified in the Highland wide Local Development Plan are those already established through previous Area Local Plans. If there are additions to be suggested to these then they should be made to the relevant Area Local Plan review. We can have more detailed local consultation on these through the Area Local Plans.

Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#). It is appropriate that NSA's are included as a nationally important feature as NSA's are recognised in national legislation, identified by a national organisation and the policy test reflects SPP (2010). For features of international importance the policy test is written recognising the specific policy tests relevant under the policy and legislation for Natura 2000 (SAC, SPA's) and RAMSAR.

Tree Preservation Orders (TPOs) currently sit as a feature of national importance and the Council believes it should remain there. The policy approach set out in policy 58 and supported by Appendix 6.2 was established during the [Wester Ross Local Plan](#) and has subsequently been used in the Sutherland Local Plan and the West Highland and Islands Local Plan. All three of these plans have included TPOs as a feature of national importance. The Trees, Woodlands and Development (Draft) Supplementary Guidance supports this approach. TPOs may be confirmed by the Council however this power is given to the Council via legislation.

Proposals Map

Accept that there is a factual error and that it should read Policy 58.

Implementing SLA protection through policy 58

It is intended that the AHSLA will go to May PED committee with an assessment of the responses made and with consequential changes proposed. We will ask members to agree a finalised AHSLA but this could be subject to change depending on the Reporters recommendations for the HwLDP. It is not considered appropriate for the AHSLA to be considered at Examination as it is not policy of the HwLDP. Further detail on this point is covered later under the heading making the AHSLA Supplementary Guidance.

The amount of Highlands that is identified as an SLA relates to the methodology used, and the Council considers this methodology to be appropriate (as explained later). There are overlaps between designations/features which are identified for different reasons such as a SSSI with an SLA but there is no overlap between landscape designations. The Highlands is fortunate to have such a fantastic landscape resource which exhibits great variety, and this combination has led to a considerable proportion of the landscape being of significant enough quality to merit inclusion within an SLA.

The scope of the assessment is not to develop policy. The SLA's are mapped and the citations provide a clear tool to understanding the landscape impact. The Assessment does provide guidance on the special qualities of the SLA's and on its sensitivities to change. It is not intended to be a capacity study but it is considered an appropriate tool to understand and consider potential landscape impacts.

The citations from the AHSLAs are intended to be a material consideration when identifying the landscape impact of a proposal. The first position will always be to explore ways any unacceptable impact could be mitigated. However Policy 58 is the policy test and here the social and economic context and whether the area is within a fragile area forms part of the consideration. The Planner will reflect on and balance these social and economic considerations against the landscape impact (if it has been decided that the planning application represents an unacceptable impact on the amenity

and heritage of the SLA) and will then make an assessment on the suitability of any proposal. The Council understands the concerns expressed but intends the landscape impact to be clearer in the decision making process and feels the citations provide this.

It is felt that for clarity the electronic link should be made in Appendix 6.2 of the HwLDP to the AHSLAs and the text should be altered (wording provided in further changes commended).

Local Landscape Areas are mentioned in the SPP (2010) as the type of feature rather than a suggested name. Unfortunately Local Authorities don't have the same name for these areas. The Guidance on Local Landscape designations recognised this and strongly encourages local authorities to call them SLAs so that there can be a common name. This is therefore the approach the Highland Council has taken. There is no change in the status of the SLA associated with the name change.

Proposed AGLV's (now SLA's) from HSP (2001)

Of our suite of Local Plans only the [Nairn Local Plan](#) is older than the HSP (2001). Therefore the status of the proposed SLA for Drynachan, Lochindorb and Dava Moors is that its western edge is included within the Inverness Local Plan but its entirety has not been subsequently included in a Local Plan. The Caithness Local Plan 2002 was adopted after the HSP (2001). However it was progressed alongside the HSP (2001) and the SLAs are therefore referred to as Regional Scenic Areas and Local Recreational Management Areas.

The Council is confident about the integrity of the SLA's (proposed AGLV's) from the HSP (2001) but will welcome the opportunity as it did with the others to consider the boundaries through the Area Local Plan (on a more detailed map base than the large scale map base used to identify the areas). The Highland wide Local Development Plans role is to set the overarching spatial planning policy context.

Scope of the assessment of SLA's, and their original identification

The scope of our work on local landscape areas was informed by discussions with SNH. Both organisations felt the scope of the study was the most effective use of our pooled resources.

To pick up on one point of confusion the areas identified in the HSP (2001) had undergone assessment against its methodology during the HSP (2001) preparation. It should be noted that when the 2004 SNH/HS guidance was produced not every Local Authority had a similar starting point (the Highland Council had already refined its existing local landscape designations). By the time the 2004 guidance was produced the Highland Council had already rationalised its existing local landscape areas.

In preparing the HSP (2001) the Council did refer to the guidance of that time, the SNH advice to Government on Scenic designations (June 1999). Whilst our methodology is not identical to what is envisaged in the 2004 guidance (and this is guidance not policy) there are nevertheless similarities to key aspects. For instance our HSP (2001) criterion covers uniqueness, rarity, as well as characteristic (typicality) of landscapes.

Another full review of our SLAs would allow us to take account of public consultation to determine the criteria used for their identification. However we needed to carefully consider the added value this would give when we have confidence in the existing areas. We have a high degree of confidence in the ongoing relevance of the HSP (2001) methodology.

We noted that there has been a broad acceptance of the areas identified in the HSP (2001) when they have gone through subsequent Local Plans, with only relatively minor boundary changes to some of the original areas. However it was recognised that without descriptions of their special qualities and without identifying how these qualities are sensitive to development and potential impacts on them, appropriate protection is difficult for the developer/planning official to determine.

Our priority is to try to better protect/enhance the areas of local/regional importance for their landscape quality. The Council and SNH therefore prioritised resources on a study to state the

qualities of the local landscape areas. The Council and SNH also prioritised resources on assessment work to inform Onshore Wind Energy Supplementary Guidance because this work will help bring our policy and guidance in line with the SPP (2010) and associated Government guidance particularly with regard to the landscape.

Where representations on a specific SLA have been concerned about a perceived lack of consistency between its citation and the original HSP (2001) methodology the Council has provided some analysis of the main linkages. This is provided against the specific SLAs for Drynachan, Lochindorb and Dava Moor, Ben Griam and Loch Nan Clar, and Ben Alder, Laggan and Glen Banchor.

Consultation on SLA's

Whilst the SLA's assessment has not been made part of the development plan or taken forward as Supplementary Guidance it has been subject to a similar level of exposure as the HwLDP Proposed Plan. It was included in press adverts for the Highland wide Local Development Plan and included in our mailshot. On the citations this seemed the most appropriate stage to meaningfully consult. Earlier consultation on the areas themselves was undertaken through the HSP (2001) and the subsequent Area Local Plans. We intend to take account of representations made on the citations before going back to May Planning Environment and Development Committee with recommended changes.

DPEA recommendations

With regards to DPEA recommendations the Council believes that we are following the recommendations made on the Inverness Local Plan. Detailed changes to the boundaries are and will be considered through the Area Local Plan reviews. However we are not aware that a reporter from the DPEA has ever made any recommendation seeking a fundamental review of the methodology for identifying them or questioning the broad areas involved.

Making the AHSLA statutory Supplementary Guidance

Development plan regulations 2008 say that Supplementary Guidance may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan. The Council do not consider the citations to be further information/detail on policy 58. The SLA citations are intended to provide a tool to understand any proposals impact; particularly focussing on what the special qualities are and the sensitivities which are identified. Policy 58 recognises that social and economic factors must also be considered. The SLA citations themselves do not provide resolution with social or economic considerations suggesting where these may outweigh the landscape impact. They are just an important tool/ material consideration to understanding and assessing any impact on the landscape. An existing example of this is the SSSI citations which provide background to help interpret the policy and are linked from the plan but are not Supplementary Guidance.

Areas of SLA's outwith or adjacent to the Highland Council boundary

The Council recognises the potential for development approved by neighbouring authorities to impact on our SLA's. With its National Park Status it is likely that the CNPA will offer significant protection. There is perhaps more potential for impact on the setting of our Drynachan, Lochindorb and Dava Moor SLA from development within Moray Council area.

The Highland Council intends to give appropriate protection to these SLA's where they fall within our area. In the future if there are significant detrimental impacts on any of our SLA's then the Council will evaluate their ongoing relevance through the Area Local Development Plans.

Boundaries of SLA's

The Council is confident about the integrity of the SLA's (proposed AGLV's) from the HSP (2001) but will welcome the opportunity (as it has previously with the others that have been through subsequent Area Local Plans) to consider detailed boundaries through the Area Local Plan. This allows us to consider it at a more detailed map base. The Highland wide Local Development Plan role is to set the overarching spatial planning policy context but we recognise that the Drynachan, Lochindorb and Dava Moors SLA (other than the area that fell within the Inverness Local Plan) still has to go through

an Area Local Plan review. It is appropriate for us to consider any boundary amendment to the SLAs through the Inner Moray Firth (IMF) and two other Area Local Development Plans as local consultation on the boundaries will be more effective through these Plans.

The Council recognises that the mapping shown in the AHSLAs for Drynachan, Lochindorb and Dava Moors does not reflect the most up to date position established by the Inverness Local Plan. If the reporter is minded to the Highland wide Local Plan could reflect these minor changes as they were subject to detailed consideration through the Inverness Local Plan. Other SLA's reflect the position established through the Area Local Plans. As mentioned elsewhere the preparation of the Inner Moray Firth Local Plan will offer the opportunity to revisit this issue and the Council will reflect on the representations made to the Highland wide Local Development Plan.

Drynachan, Lochindorb and Dava Moor SLA

With regards to specific comments on conformity with the HSP (2001) methodology the citation acknowledges that the location and extent of this moorland is valuable in the Highland context and this reflects the second criteria (land forms and scenery that are unusual or rare in the Highland context) from the HSP (2001). Also it is considered that the assessment highlights its striking qualities as per the third criteria. For example, "sense of spaciousness... wide views....wildness qualities.... almost complete absence of built structures..." In terms of range of character types (criteria one) the SLA does cross over into different character types and a recognised special quality is "A narrow deep section of the Findhorn river valley at Streens offers enclosed and intimate relief in contrast to elevated and exposed moorland." Also thinking about criteria six (juxtaposition of mountain and moorland which set each other off to striking visual effect), within the Key landscape and Visual Characteristics, "Views across the undulating moorland offer wide, open horizons and broad panoramas in all directions, providing visual connectivity with the higher mountain ranges to the north, west and south."

With regard to the Moray and Nairn landscape character assessment and the pine woodland the citation for the SLA acknowledges, there are fragments of native pine-birch woodland scattered across the area. This is an attractive feature which serves (by contrast) to emphasise the dominance of the horizontal dimension and unbroken skylines. These areas of woodland should not be removed from the SLA. This is considered a special quality of the SLA and this relates to one of the criteria for identifying SLA's from the HSP (2001) (namely combinations of landscape character types which provide attractive or unusual scenery).

Inninmore Bay and Garbh Shlios

The SAC has very different reasons for its designation and therefore this boundary is not suitable for the local landscape designation. The more detailed boundary consideration can be taken forward through the Area Local Plan review where we can have more detailed consideration of the boundary.

Ben Griam and Loch Nan Clar SLA

With regards to conformity with the HSP (2001) methodology the third criteria (dramatic and striking landscapes and coastlines), and criteria six (juxtaposition of mountain and moorland which set each other off to striking visual effect) are reflected in the citation. This SLA contains, "a trio of prominent and isolated hills which rise abruptly out of the sweeping moorland". Also criteria one (characteristic landscape character types which provide attractive or unusual scenery) is reflected in, "The blanket of sweeping, isolated moorland is punctuated by large hill lochs and pierced by distinctive peaks". Also, "Several lochs including the Loch nan Clar/Badanloch/Rimsdale system punctuate the open distinctive moorland basins and providing horizontal reference which highlights the surrounding slopes."

Ben Alder, Laggan and Glen Banchor SLA

With regards to HSP (2001) methodology the SLA's do need to be considered at least regionally important for their scenic quality. However the Structure Plan criteria to identify SLA's is not solely focussed on representative landscapes. In terms of the Structure Plan criteria this citation acknowledges the combinations of landscape character types present (which is criteria one), "series of attractive, predominantly wooded glens interspersed with small-scale farmlands, with rising moorland leading to distinctive craggy summits and mountain plateaux". Also criteria two (landforms

and scenery that are rare or unusual in the Highland context), “Within this area are two of Scotland’ biggest and best known Munros and the varied constellation of peaks that lie between them.” In terms so criteria 3 (dramatic and striking landscapes and coastlines) “there are some striking features within this SLA. Coire Ardair, on Creag Meagaidh is on of Scotland’s most dramatic mountain corries. Creag Dhubh, near Newtonmore is one of Scotland’s most impressive crags. The Dirc Mhor.... is one of the country’s best examples of a glacial meltwater channel.”

Concern that it is partly outwith the Highland Council boundary is addressed under section on areas of SLA’s outwith or adjacent to the Highland Council boundary.

Any further plan changes commended by the planning authority:

Supporting text

If the Reporter sees fit the Council would support adding the following to the supporting text of Policy 58: “Up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH’s website <http://www.snh.gov.uk/planning-and-development/advice-for-planners-anddevelopers/protected-areas/>

Following the recent Historic Scotland consultation these are now to be called Historic Battlefields so the supporting text will need changed to reflect this.

Policy

Paragraph 21.1.2 should refer to GCR sites and RIGS as “un-notified Geological Conservation Review Sites and Local Geodiversity Sites.”

First sentence of policy amended to read, “All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting”

Remove list of international features from the first sentence of point 3 of the policy.

Appendix (SLA amendment)

It is felt that for clarity on the use of the assessment the electronic link should be made in appendix 6.2 of the HwLDP and the text should be altered. Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#). A link to the assessment itself should be added to make the use of the AHSLAs clearer. Also the second sentence should be amended to,” With reference to the AHSLAs the council will consider the potential impacts of development proposals on the integrity of SLA’s, including impacts on the wider setting.”

Factual error – Proposals Map

This should be amended to refer to Policy 58

Drynachan, Lochindorb, and Dava Moors SLA boundary

The boundary should be amended to reflect amendments made through the Inverness Local Plan.

Reporter’s conclusions:

Further information received

1. In response to a request from the reporter for clarification of the status of the supplementary guidance referred to in paragraph 21.1.8 (Highland Historic Environment Strategy), which does not appear in the list of supplementary guidance contained in Appendix 6.3, the Council stated that it was intended that this guidance should be adopted. It was explained that the Council propose to adopt the guidance as soon as practical after the historic environment strategy has been finalised and the Highland–wide plan has been formally adopted. The Council acknowledges that there is a requirement to set out within Policy 58 the principles on which the Highland Historic Environment Strategy is based. Consequently, it was suggested that the following additional text should be included at the end of the policy:

The Highland Historic Environment Strategy Supplementary Guidance principles ensure that:

- Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits.
- It sets a proactive, consistent approach to the protection of the historic environment.

2. In addition, a further request was made by the reporter in connection with Issue 62: Landscape regarding the status and role of the proposed new supplementary guidance on “Wild Areas”, which is referred to in Appendix 6.2 on page 143. In response, the Council indicated that the intention is that the guidance will be adopted in due course. It was also indicated that the guidance will deal with policy matters, such as advice on the likely impact of development on wild areas. In these circumstances, the Council acknowledges that the principles underlying the Wild Areas Supplementary Guidance should be set out within policy. It is therefore suggested that additional text is added at the end of Policy 58: Natural, Built and Cultural Heritage, since this is where the feature is given policy protection. The new text would be as follows:

The Council intends to adopt Supplementary Guidance for Wild Areas in due course. The main principles of this guidance will be:

- to provide mapping of wild areas;
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
- to give advice on what an unacceptable impact is;
- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

3. I consider that it is important to establish the status and principles of any supplementary guidance that is referred to in the plan. Consequently, I believe that it is appropriate to include the additional text suggested by the Council. In my opinion, the most appropriate place for both of the above matters to be dealt with is in Policy 58. I consider that the insertion of the additional text will improve the clarity and understanding of the Council’s policy position on these issues. I therefore include recommendations below to deal with the matters.

Conclusions

4. Representation 530 seeks recognition in the plan that the Council will give consideration to investigating the possibility that additional National Parks could be designated in the Highlands. It is indicated that in the past a number of reports have suggested that the Ben Nevis and Glen Coe; Wester Ross; and the Argyll/Lochaber/Inner Hebrides areas are potentially suitable candidates for designation as National Parks. However, I note that the Council has stated that it is not inclined at this time to consider investigating the potential for new National Parks in the Highlands. In the absence of any formal decision by the Council to pursue this matter, I consider that it would not be appropriate for the plan to include reference to the possibility of the Council investigating opportunities for further National Parks. In any event, I am not persuaded that the plan is necessarily the appropriate mechanism for instigating a campaign for additional National Parks. The Scottish Government, SNH and other parties should be involved in early discussions on the practicalities of such a proposal. This process can readily be undertaken outwith the local development plan process.

5. Representations 2, 148, 453 and 492 welcome the fact that the plan gives recognition to ‘Wild Areas’ as areas that contribute to the natural heritage of the Highlands. Concern is expressed however that these areas are identified in the plan as being of only local or regional significance. It is submitted that the recognition of Wild Land in SPP implies that such areas are of national significance. Although it is acknowledged that areas of wild land are not yet formally recognised by any accepted planning designation, it is submitted that they constitute a resource that is of national if not international importance. While I accept that such areas of wild land are an important and valuable component of the landscape in certain areas of the Highlands, I am not persuaded that the reference to wild land in the SPP provides any substantive evidence that such areas are recognised by Government as being of national significance.

6. Furthermore, I note that the Council is undertaking further work to identify areas that might qualify as 'wild areas'. However, there is no commitment at this stage from the Government or any other interested party that such areas would necessarily merit a national designation. In these circumstances, I consider that the Council is justified in maintaining that such areas should be recognised in the plan as being of local or regional significance. In terms of providing advice on the type and scale of development that could be accommodated within 'wild areas', I am aware that the Council proposes to issue supplementary guidance (see Appendix 6.3), which will provide advice on how change can best be accommodated whilst safeguarding the special qualities of an area. As required by the development plan regulations, such guidance will require to be the subject of consultation before it can be adopted. I consider that this approach is the most appropriate way in which to deal with detailed planning considerations relating to wild areas. I do not believe that it is appropriate or necessary for such matters to be included in the Highland-wide plan. I therefore find that there is no need to modify the plan in response to the various representations made on 'wild areas'.

7. With respect to the accommodation of wind turbines in areas of wild land, I agree that because of their high visibility over extended distances this form of development poses particular challenges. However, I believe that this issue is best addressed through the provisions of Policy 68 Renewable Energy developments together with the supplementary guidance on Onshore Wind Developments. I do not consider that there is any need for the matter to be addressed in this policy.

8. SNH (118) has pointed out that the reference in paragraph 21.1.2 to Geological Conservation Review Sites should be to un-notified Geological Conservation Review Sites and that the Regionally Important Geological Sites should be referred to as Local Geodiversity Sites. In addition, the reference to Policy 59 in the plan's Proposals Map is incorrect as it should be to Policy 58. I consider that it would be appropriate for these factual errors to be corrected.

9. Similarly, SNH has suggested that the clarity and understanding of the first part of the opening sentence of the policy would be improved if it was changed to read:

All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting

The Council acknowledges that the change would improve clarity. I consider that the revised wording improves the clarity of the sentence and that it would be appropriate to recommend that the policy be modified accordingly.

10. The representation also indicates that to be consistent with the other parts of the policy the listing of what constitutes features of 'International importance' should be deleted. The definition of those features which are recognised as being of international importance is already set out in Appendix 6.2. I therefore consider that it would be appropriate to delete the reference to Natura 2000 sites (i.e. Special Protection Areas and Special Areas of Conservation) and Ramsar sites in the first line of paragraph 3 in the policy.

11. A number of representations (250, 253 and 431) indicate that the level of protection offered to natural, built and cultural heritage features should be increased and the suggestion was also made that certain areas merit special protection. However, I believe that these representations are failing to understand properly the intention of the policy. The policy is designed to provide an appropriate level of protection for the various categories of heritage resources, in line with government and international policy and legislative requirements. The policy sets out a hierarchy of the levels of importance applicable to the various heritage resources. The hierarchy covers resources of international, national and regional/local importance. The policy is intended to demonstrate the differing levels of protection which apply to the various categories of heritage resource and indicate the criteria which will apply when development proposals are assessed. I consider that this is a sensible and logical approach and I am not persuaded that it should be changed in response to the representations made.

12. SNH (118) expresses concern that the opening sentence of the policy contains two references

to 'nature' which are not used in the context of natural heritage resources. It is considered that this is potentially confusing and detracts from a proper understanding of the policy. I note that the Council accepts that it would be desirable to amend the sentence. In my opinion, there is good sense in the point made by SNH. I therefore believe that it would be appropriate, in the interests of clarity, for the sentence to be reworded in line with the suggestions made by SNH. SNH proposes that the first sentence of the policy should read:

All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting

13. The representation from the Scottish Wildlife Trust (285) suggests that there should be an explicit linkage between the policies on green networks, open space and Policy 58. However, as made clear in paragraph 18.2 of the plan, proposals will be considered against the provisions of the relevant policies in the plan. Furthermore, as the Council has indicated, the relationship between open space, green corridors and heritage resources can be dealt with in more detail in the supplementary guidance on Green Networks. I therefore conclude that there is no justification for the policy or the text to be changed in response to the matters raised in this representation.

14. Representation 268 indicates that there is no basis in national policy for the inclusion of the phrase "where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the Development Plan" in the section of the policy that deals with features of international importance. However, I believe that the phrase simply reflects the significant importance attached in the relevant regulations to the need for the conservation of internationally important heritage features. I consider that the phrase is intended to convey the underlying principles of the precautionary approach which urges caution when the degree of impact brought about by a development on such an internationally important resource is uncertain. In my opinion, the inclusion of the phrase does not create an additional test as alleged in the representation. Therefore, I am not persuaded that the phrase should be deleted from the plan.

15. Concerns are raised in representations 268 and 504 about the use of such a generalised approach to policy. It is submitted that it can cause confusion as the legislative and national policy tests appropriate to the various heritage resources are different and the application of a uniform policy approach to them is therefore inappropriate. In addition, it is considered that the approach used in the policy means that an individual resource, such as archaeology, is treated in a rather superficial fashion. However, I am aware that the advice from Government on the preparation of local development plans is to concentrate on key issues and to produce concise and targeted plans. In this context, the approach adopted in this policy highlights the hierarchy of heritage resources and sets out the relevant policy tests in a concise and understandable form. As a result, the number of policies in the plan is reduced. I also note that neither Scottish Natural Heritage nor Historic Scotland, the bodies with the responsibility for safeguarding most of the important heritage resources, has raised any objection to the policy. Detailed matters such as the definition of the archaeological resource can be dealt with in supplementary guidance. I therefore find that the form of the policy is appropriate and that no modifications to it are required.

16. Representations 268, 450, 454, 457, 462, 481, 489, 490 and 523 submit that the word "believe" in the section of the policy dealing with resources of local/regional importance should be replaced by "demonstrated". In my view, the use of "demonstrated" is a more appropriate way of couching the approach intended in the policy. In the assessment of proposals it will be for the Council to judge whether the developer has demonstrated satisfactorily that there will be no unacceptable impact on amenity or the heritage resource. I consider that the use of the word "believe" is too vague and fails to provide the necessary degree of clarity. I include a recommendation to make the requisite modification.

17. In the representation from Scottish Wildlife Trust (285) it is suggested that the words "natural environment" should be inserted before amenity and heritage resources in paragraphs 1 and 2 of the policy. Given the title of the policy, I believe that it would be a more accurate and appropriate reflection of the tests in the criteria if "natural environment" was inserted as suggested.

18. Concern has also been expressed regarding the clarity of the mapping of the various heritage features. As a result of the difficulty of interpreting the extent and location of these resources from the maps in the plan, it is submitted that the policies do not provide clear guidance to developers on what will or will not be permitted, as required by SPP. In my view, the plan has to be read as a whole and in conjunction with the more detailed information contained in the relevant supplementary guidance. For some heritage resources the guidance is not yet available and interpretation of what is envisaged by the policy is therefore more difficult. However, the regulations governing the preparation of local development plans make it clear that plans are not expected to contain all the relevant detailed information regarding a particular policy. The more detailed and technical information and the definition of detailed boundaries are expected to be contained in supplementary guidance. In addition, there is no requirement for supplementary guidance to be produced in advance of the plan.

19. The detailed information contained in the supplementary guidance is not before me for consideration. It lies outwith my remit regarding the undertaking of the examination of this plan. Clarification of the definition of what the precise boundaries of a particular heritage resource may be will therefore have to await the completion of the appropriate supplementary guidance. In some instances, the definition of these resources may have to await the preparation of the area local development plans. This does not, in my view, mean that the plan is fundamentally flawed. The Highland-wide plan is intended to provide a broad strategic framework that identifies the key resources and principal growth opportunities and provides overarching policies for the entire plan area. These policies will then be interpreted at the local level in the forthcoming area development plans. While I can understand the challenges this may create for users of the plan it is an inevitable consequence of the hybrid nature of the plan. I do not therefore consider that the level of detail provided in the plan contravenes the guidance in SPP on the need for clarity.

20. Representations 492 and 268 question the categorisation adopted by the Council in Appendix 6.2 for the various heritage features. However, I consider that by and large the hierarchy in the Appendix sets out the generally accepted categorisation of these resources into international, national and local/regional importance. I am also aware that this approach has been generally accepted by SNH and Historic Scotland as being appropriate and that it has been used previously in a number of local plans in the Highlands. In these circumstances, I do not believe that I have been provided with information that would justify modifying the categorisation set out in the plan.

21. A large number of representations (124, 418, 421, 432, 434, 445, 450, 453, 461, 462, 480, 481, 489, 490, 505, 513, 523 and 524) have raised concerns about the inclusion of Special Landscape Areas (SLAs) in the plan. These concerns relate to doubts over the methodology used to identify areas that merit SLA designation; the absence of an assessment of the capacity of individual SLAs to accommodate development; the lack of a statutory basis for their designation; the inability to promote positive land management in such areas; the lack of any economic assessment of the impact of SLA designation on fragile areas; the extent of the land covered by landscape designations in the Highlands; the detailed boundaries of the SLAs; the lack of meaningful consultation on the establishment of the SLAs; and the relationship of the guidance in the Assessment of Highland Special Landscape Areas (AHSLAs) to the Highland-wide plan.

22. Dealing firstly with the concept of the Council identifying SLAs, it is clear from paragraph 139 of SPP that it is envisaged that planning authorities can identify and designate areas of local/regional landscape significance to complement national landscape designations. It is also indicated that such locally important landscapes should be clearly identified and protected through the development plan. The level of protection given to such local landscape designations should however not be as high as the level of protection accorded to national landscape designations. The SPP states that the purpose of designating local landscape areas is amongst other things to safeguard and enhance the character and quality of landscapes which are particularly valued locally and to safeguard important settings for outdoor recreation and tourism. On the basis of the above, I consider that the Council is entitled to identify and designate areas of local landscape significance and to include the areas identified in the development plan. The name chosen by the Council to cover these areas is a matter for the Council and I do not consider that the decision to call them Special Landscape Areas is inappropriate or misleading.

23. The identification of the boundaries of the SLAs is also a matter in the first instance for the Council. On this matter I note that the SLA boundaries are based on the indicative areas identified as Areas of Great Landscape Value in the approved Highland Structure Plan (2001). Subsequently, these indicative boundaries have become more closely defined through their inclusion in the various local plans that have been adopted for most parts of the Highlands. This process offered the opportunity for parties to be consulted and to make representations on the appropriateness or otherwise of the proposed boundaries. The indicative boundaries shown on the Proposals Map in the Highland-wide plan are not therefore new or untested.

24. I am aware that further work is being undertaken by the Council to assess the special qualities and sensitivities of these areas to change. A report has been prepared, entitled the Assessment of Highland Special Landscape Areas (AHSLAs), which is intended to provide a better understanding of the likely impact that development could have on the SLAs. The document is seen as providing background technical information to assist the Council in its consideration of development proposals and to aid developers in tailoring their proposals to address the particular sensitivities of an area. On the basis of the information available to me, the AHSLAs report does not alter or refine the Council's broad policy approach to SLAs, as set out in the Highland-wide plan. I note that the Council has stated that as it is not policy related guidance it is not intend that the AHSLAs will be adopted as supplementary guidance. It is therefore a background technical report whose detailed contents lie outwith my remit for conducting an examination of this plan.

25. I consider that it is important to bear in mind that the role of this plan is to provide a broad brush strategic planning framework for the Highlands and that it will be complemented in due course by the more detailed planning policies and site specific land use allocations included in the forthcoming area local development plans. It is therefore in the area local development plans that the boundaries of the SLAs will be formally defined. I do not consider therefore that it is appropriate to deal with matters relating to detailed boundary definition as part of the examination of the Highland-wide plan. The only exception being the correction of an acknowledged drafting error regarding the indicative boundary of the Drynachan, Lochindorb and Dava Moor SLA shown on the Proposals Map.

26. I appreciate that representations have questioned the methodology used to identify the boundaries of the SLAs. However, while it some 10 or so years since the work was done on the definition of AGLVs in the structure plan, I have no substantive evidence to suggest that the areas identified subsequently in local plans, and indicatively on the Proposals Map in the Highland-wide plan, are significantly wrong or excessive. The opportunity to consider the detailed boundaries of the SLAs will be through the consultation process and the subsequent examination of the representations made on the area local development plans.

27. Drawing all the above matters together, I am not persuaded that with respect to the treatment of SLAs in the plan there is adequate justification for making any significant modification to Policy 58, its supporting text, the contents of Appendix 6.2 or the indicative boundaries shown on the Proposals Map.

28. On a detailed point, the Council has acknowledged that the indicative boundary shown for the Drynachan, Lochindorb and Dava Moor SLA on the Proposal Map does not reflect the changes to the boundary recommended in the examination of the Inverness Area Local Plan and which have subsequently been included in the adopted plan. I consider that this drafting error should be rectified to reflect, in indicative terms on the Proposal Map, the boundary that appears in the adopted local plan.

29. It has also been drawn to the Council's attention by Historic Scotland that the reference in paragraph 21.1.3 to 'Battlefields' should more correctly be to 'Historic Battlefields'. For the sake of clarity and to avoid any confusion I consider that it would be appropriate to correct this minor factual error.

30. The Council has also pointed out that it would be useful to provide an up to date link to SNH's website, which can provide information on the location of SAC, SPA, SSSI and NSA. I consider that

the inclusion of such a link would prove to be useful.

31. I have carefully considered all the other representations submitted on this issue, but find that the matters they raise do not provided any justification or need to make modifications to the plan.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Delete the first part of the opening sentence of the policy and replace it with:
All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting
2. Delete the words "we believe..." in the paragraph numbered 1 in the policy and replace them with "it can be satisfactorily demonstrated...".
3. Insert the words "natural environment," in paragraphs 1 and 2 of the policy before "...amenity and heritage resource".
4. Delete the reference to: Natura 2000 sites (SPAs and SACs) and Ramsar sites in the first line of paragraph 3 of the policy.
5. Insert the following additional text in a new paragraph at the end of Policy58:
The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:
 - to provide mapping of wild areas;
 - to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
 - to give advice on what an unacceptable impact is; and
 - to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.
6. Insert the following additional text in a new paragraph at the end of Policy 58 after the additional paragraph included in recommendation 5 above:

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:
 - Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits.
 - It sets a proactive, consistent approach to the protection of the historic environment.
7. Delete the reference in the bullet point within paragraph 21.1.2 to Geological Conservation Review Sites and Regionally Important Geological Sites and replace with a reference to: "un-notified Geological Conservation Review Sites and Local Geodiversity Sites".
8. Delete the reference in the list in paragraph 21.1.3 to 'Battlefields' and replace it with 'Historic Battlefields'.
9. Insert in the supporting text to Policy 58 the following:

Up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's website <http://www.snh.gov.uk/planning-and-development/advice-for-planners-anddevelopers/protected-areas/>

10. Delete the reference on the Proposals Map to Policy 59 and replace it with a reference to Policy 58.
11. Delete the boundary of the Drynachan, Lochindorb and Dava Moor SLA as shown on the Proposal Plan and replace it with a revised boundary as shown in the adopted Inverness Area Local Plan.

Issue 59	Protected Species	
Development plan reference:	Policy 59 (Para 21.4, Page 106)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCS) (2) Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) Scottish Wildlife Trust (285) Mrs Caudrey (338) SLR Consulting Ltd for RWE Npower Renewables Limited (419) CASA Planning and Environment Ltd for Cube Engineering (449) Jones Lang Lasalle for Spittal Hill Windfarms Ltd (450) Jones Lang LaSalle for PI Renewables (454) Biggart Baillie for Nanclach Ltd (457) Jones Lang LaSalle for Wind Energy Glenmorrie Ltd (462)</p>		
Provision of the development plan to which the issue relates:	Where there is good reason that a protected species is present at a site (or may be affected by a proposed development), a survey will be required to establish any such presences and if necessary a mitigation plan may be required before the application can be determined.	
Planning authority's summary of the representation(s):		
<p>The Mountaineering Council of Scotland (2) welcomes the inclusion of cumulative impact in these considerations. The Scottish Wildlife Trust (285) is pleased to see references to both the Biodiversity Toolkit and the multifunctional nature of green networks. They are also supportive of the reference to Article 10 of the Habitats Directive.</p> <p>Brenda Herrick (5) feels that these policies are excellent but should have been put in place before now.</p> <p>Scottish Natural Heritage(118) and Mrs. Caudrey (338) have noted that an out of date web link for the 'Birds of Conservation Concern' is quoted within this policy i.e. http://www.jncc.gov.uk/PDF/Pop_status_of_birds_card.pdf dated 2002 - 2007).</p> <p>David Bell (462), Jones Lang LaSalle for PI Renewables (454), Spittal Hill Wind farms (450) and Nanclach Ltd (457) acknowledge that this policy seeks to reflect the legislative and national policy tests applicable to the assessment of development on European Protected Species. They feel that the policy goes further than it needs to by adding an additional policy test which is inconsistent with the SPP.</p> <p>Scottish Natural Heritage (118) feels that the decision to request a protected species survey should be based upon the presence of an appropriate habitat. They also feel that the reference to the Protection of Badgers Act should reflect recent amendments and should read as follows: The Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004.</p> <p>SLR (419) asks that the policy refer to significant unacceptable impacts or significant impacts. CASA Planning(449) recognise the importance of nature conservation, but believe the clause stating "Development that is likely to have an adverse effect... on protected bird species will only permitted when there is no other satisfactory solution; and the development is required in the interest of public health or public safety "is too prescriptive.</p>		

CASA (449) also feel that this policy fails to demonstrate what constitutes adverse impacts on protected bird species. They suggest that this is modified in conformity with Article 16 of the Habitats Directive. This modification they feel would act as a means to clarify that impacts are deemed adverse if they are likely to prove detrimental to the maintenance and integrity of a species population

Modifications sought by those submitting representations:

Up date the web link contained in the policy to show the following i.e.

<http://www.bto.org/sites/default/files/u37/downloads/recording/bocc3.pdf> (118,338).

Removal of the third test contained within the policy as this is recognised under the SPP and would be better removed in order to ensure consistency and avoid conflicts in decision making (450, 454,457, 462).

First sentence amended to read, "Where there is good reason to believe that a protected species may be present on site..." (118). The policy should highlight that the decision to request a protected species survey should be based upon the presence of an appropriate habitat. (118).

Badgers legislation should be amended to The Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004 (118).

SLR asks that the policy refer to significant unacceptable impacts or significant impacts (419).

Inclusion of a statement supporting applications that support and significantly promote imperative developments delivering Scotland's progress towards Sustainable Development as expressed in the SPP as a further exception to the policy (449).

The clause which states development that adversely impacts on protected bird species will only be permitted when 'the development is required in the interest of public health...' or 'there is no satisfactory solution' needs to be less prescriptive (449).

Inclusion of 3rd bullet point stating 'proposals can demonstrate not to be detrimental to the integrity or viability of the species concerned' (449).

The policy seeks to demonstrate what constitutes adverse impacts on protected bird species. This needs to be modified in order to align with Article 16 of the Habitats Directive, to clarify that impacts are deemed adverse if they are likely to prove detrimental to the maintenance and integrity of a species population (449).

Summary of responses (including reasons) by planning authority:

The web link referring to Birds of Conservation Concern (118,338) and the reference to the Protection of Badgers Act (118) should be updated as there are more up to date references available i.e.:

- <http://www.bto.org/sites/default/files/u37/downloads/recording/bocc3.pdf>
- The Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004

As regards the suggestion that the third test is removed from the policy (450, 454,457, 462) the Council on this occasion feel that they are simply reflecting the wording that is contained within Scottish Planning Policy i.e." In no circumstances can development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range".

The Council feel that the first sentence of the policy should be amended to read "Where there is good reason to believe that a protected species may be present on site..." as per Scottish Natural

Heritage's suggestion (118). However the council do not feel that the policy should include the wording "the presence of an appropriate habitat" as this is not necessary if the wording is adapted as per the text in the preceding lines.

SLR (419) suggested that the policy should refer to significant unacceptable impacts or significant impacts. The Council feel that this policy should remain unchanged as its wording reflects current National Planning Policy i.e. the word adverse is used.

CASA Planning (449) suggests a statement should be included here with regard to sustainable development. However on this occasion, the Council feel that it would be difficult to include such a reference given the recent Climate Change Act.

CASA Planning (449) feels that the clause which states development that adversely impacts on protected bird species will only be permitted when "the development is required in the interest of public health..." or "there is no satisfactory solution" is too prescriptive. The Council feels however that this wording should be upheld as it is reflective of the wording set down in the SPP.

CASA Planning (449) also requests that a third bullet point stating "proposals can demonstrate not to be detrimental to the integrity or viability of the species concerned" should be included. The Council however feel that the current policy reflects para 144 of the SPP in the case of protected bird species. This in turn reflects the protection set out in the Wildlife and Countryside Act 1981. The Council feel that the addition of a third bullet point would make this policy inconsistent with the SPP.

The policy should be more explicit in terms of Article 16 of the Habitats Directive in that the wording should be changed to clarify that impacts are deemed adverse if they are likely to prove detrimental to the maintenance and integrity of a species population.

Any further plan changes commended by the planning authority:

Reporter's conclusions:

Further information received

1. Since publication of the Plan, the Council has prepared and consulted upon its Draft Supplementary Guidance relating to "Highland's Statutorily Protected Species". This is technical guidance the parameters of which are set by the statutory duties relating to the protected species in question. In the Council's view, the references in the Plan to the guidance and the related checklist are sufficient to deal with the matter. The Council does however accept that the guidance would benefit from updating. It is therefore suggested that a further reference should be included in the plan which indicates that it may prepare further supplementary guidance to deal with Other Important Species and Other Important Habitats. Consequently, it is suggested that the second paragraph of the supporting text (21.3.2) should be reworded to read:

"The supplementary guidance 'Highland's Statutorily Protected Species' provides advice on establishing which biodiversity issues may be found on a particular site and how to address these issues. A Biodiversity Checklist for Protected Species on Development Sites is appended to the guidance and any issues that the checklist highlights, directly pertaining to protected species, should be addressed prior to submission of a planning application. The guidance, including a checklist, will be incorporated into the determination of planning applications where appropriate. General biodiversity advice relating to development will be contained within a Sustainable Design Supplementary Guidance. In addition the online Biodiversity Toolkit should be consulted. The Council may also prepare further technical supplementary guidance in respect of Other Important Species and Other Important Habitats."

2. I note that the Council acknowledges that that the supplementary guidance on “Highland’s Statutorily Protected Species” would benefit from updating. I agree with this view. I also believe that the suggestion that further reference to this matter should be included in the supporting text of the plan is a reasonable and appropriate response which would improve understanding. I consider that the modifications to the wording of paragraph 21.3.2, as set out above, would satisfactorily address this matter.

Conclusions

3. The representation from SNH (118) points out that the reference in the last line of the policy to a web link is now out of date and needs to be updated. The same point was also made in Representation 338. SNH also noted that the reference to the Protection of Badgers Act requires to be expanded to include mention of the more recent legislation (the Nature Conservation (Scotland) Act 2004) which also deals with this matter. I consider that to assist a proper understanding of the provisions of the plan it would be appropriate for the policy to be changed to correct both of these factual inaccuracies.

4. SNH’s representation also suggests that the first sentence in the policy would benefit from a minor alteration to reflect more accurately the circumstances in which a developer can be requested to provide a protected species survey. I note that the Council accepts that it would be useful to make this change. In my opinion, it would be helpful and appropriate to clarify the situations in which a protected species survey should be undertaken. As set out below, I therefore recommend that the policy be modified accordingly. I also note that the reference in this representation to “the presence of an appropriate habitat” was part of the reasoning behind the suggestion that a change should be made. I do not consider that it is necessary or appropriate for this phrase to be included in the modified policy.

5. Representations 450, 454, 457 and 462 express concern regarding the third test set out in the policy in respect of the treatment of European protected species. However, I consider that this test constitutes an accurate reflection of the statements in paragraph 143 of Scottish Planning Policy (SPP) which states: “*In no circumstances can development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its range.*” In my view, the inclusion of this test is helpful in clarifying to users of the plan what in the context of the policy is likely to be acceptable and what is not. I do not believe that the test as set out in the plan exceeds the policy guidance contained in the SPP or that it is likely to cause confusion to decision makers.

6. For similar reasons, I do not consider that it is necessary or appropriate to modify the wording of the policy to include reference to “significant” unacceptable impacts, as suggested in representation 419. I do not believe that this would be consistent with the requirements of the relevant legislation or provisions of paragraphs 143 and 144 in the SPP. These paragraphs specifically indicate that the test is “likely to have an adverse effect on...”. I therefore conclude that the third test should not be modified as suggested in these representations.

7. In the representation submitted by CASA (449), it is indicated that the approach contained in the policy regarding development that may have an adverse effect on the specified categories of protected birds is too prescriptive. It is suggested that the policy should be balanced by the inclusion of a test relating to the benefits of supporting proposals that assist in achieving the Government’s sustainable development targets. While in overall terms such targets are important, I believe that it is necessary to remember that the plan specifically indicates that every development proposals will be considered in the round and assessed against all the policies in the plan. I do not therefore consider that it is either appropriate or necessary to include a specific reference to efforts to promote sustainable development in a policy that deals with protected species. I consider that this is an issue that is satisfactorily covered under other policies in the plan.

8. I am also not persuaded that it would be appropriate for the policy to replicate the provisions of the European Directive with respect to the protection of European Species. As indicated above, I consider that the policy satisfactorily reflects the requirements of the SPP on this matter. I do not

therefore accept that the policy goes significantly beyond the terms of the Directive or is too restrictive.

9. The representation from CASA also expresses concern that the second part of the policy, which deals specifically with species protected under the Wildlife and Countryside Act 1981, fails to demonstrate adequately or define what constitutes an adverse impact on protected bird species. Consequently, it is suggested that this part of the policy should be modified to conform to the provisions of Article 16 of the Habitats Directive. This would be done by adding a third bullet point in the second part of the policy to clarify that with respect to protected bird species impacts are deemed to be adverse if they are likely to prove detrimental to the integrity or viability of the species concerned. However, I consider that the second part of the policy is entirely consistent with the terms of paragraph 144 in SPP. This paragraph states that planning permission must not be granted for development that would be likely to have an adverse effect on species protected under the Wildlife and Countryside Act 1981 unless the development is required for preserving public safety or public health. In addition, for species of bird protected under the 1981 Act there must also be no other satisfactory solution. In my view, given the provisions of SPP, there is no requirement on the Council to include a definition of what constitutes an adverse effect. If necessary, detailed consideration of matters such as this can be dealt with in supplementary guidance.

Reporter's recommendations:

I recommend that the following modifications should be made to the policy:

1. Delete the second paragraph of the supporting text (21.3.2) and replaced it with the following:

The Supplementary Guidance 'Highland's Statutorily Protected Species' provides advice on establishing which biodiversity issues may be found on a particular site and how to address these issues. A Biodiversity Checklist for Protected Species on Development Sites is appended to the guidance and any issues that the checklist highlights, directly pertaining to protected species, should be addressed prior to submission of a planning application. The guidance, including the checklist, will be incorporated into the assessment and determination of planning applications where this is appropriate. General biodiversity advice relating to development will be contained within a Sustainable Design Supplementary Guidance. In addition, the online Biodiversity Toolkit should be consulted. The Council may in due course also prepare further technical Supplementary Guidance in respect of Other Important Species and Other Important Habitats.

2. The existing reference in the policy to a web link to the information on "Birds of Conservation Concern on the Red and Amber Lists" should be deleted and replaced with a reference to the web link set out below:

["http://www.bto.org/sites/default/files/u37/downloads/recording/bocc3.pdf"](http://www.bto.org/sites/default/files/u37/downloads/recording/bocc3.pdf)

3. Delete the reference to the Protection of Badgers Act 1992 in the final sentence of the policy and replace it with a reference to the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004).

4. Delete the phrase in first sentence of the policy which states: "Where there is good reason to believe that a protected species is present on site..." and replace it with the following

Where there is good reason to believe that a protected species may be present on site...

Issue 60	Other Important Species	
Development plan reference:	Policy 60 (para 21.5, Page 107)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) SLR Consulting Ltd for RWE Npower Renewables Limited (419)		
Provision of the development plan to which the issue relates:	Development proposals should avoid adverse effects on particular categories of species (listed within policy) if not protected by other legislation or by nature conservation site designations.	
Planning authority's summary of the representation(s):		
<p>Brenda Herrick (5) feels that these policies are excellent but should have been put in place before now.</p> <p>Scottish Natural Heritage (118) would like to see consistency between this Policy and Policy 61 regarding the Biodiversity Action Plans and lists.</p> <p>SLR (419) request that this policy should refer to significant adverse effects rather adverse effects.</p>		
Modifications sought by those submitting representations:		
<p>Amend beginning of this policy to bring in line with policy 61 to read, "We will have regard to the presence of the following Other Important Species and any adverse effects of development proposals on them, individually and/or cumulatively (see glossary), if not protected by other legislation or by nature conservation site designations: ..." (118).</p> <p>SLR request that this policy should refer to significant adverse effects rather adverse effects (419).</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council agrees that the beginning of this policy should be amended to bring it in line with policy 61 and should read as follows:</p> <p>"We will have regard to the presence of the following Other Important Species and any adverse effects of development proposals on them, individually and/or cumulatively (see glossary), if not protected by other legislation or by nature conservation site designations: ..." (118).</p> <p>SLR suggested that the policy should refer to significant unacceptable impacts or significant impacts (419). The Council feel that this policy should remain unchanged as its wording reflects current National Planning Policy i.e. the word adverse is used.</p>		
Any further plan changes commended by the planning authority:		
Amend policy wording as indicated above, "We will have regard to the presence of the following Other Important Species and any adverse effects of development proposals on them, individually and/or cumulatively (see glossary), if not protected by other legislation or by nature conservation site designations: ..."		

Reporter's conclusions:**Further information received**

1. As indicated under Issue 59, in response to a request from the reporters for clarification of the status and justification for inclusion of the supplementary guidance relating to "Highland's Statutorily Protected Species", the Council has indicated that the guidance simply sets out the requirements in the relevant legislation regarding the treatment of protected species. It is also indicated that the Council may produce similar guidance in the future with respect to other important species and other important habitats, which are matters covered in Policies 60 and 61. As a consequence the Council suggested a rewording of paragraph 21.3.2 to clarify the issue. This matter is dealt with in more detail under Issue 59 and it does not require any further changes to Policy 60 or the supporting text.

Conclusions

2. The representation from SNH (118) seeks consistency between the wording of this policy and the related Policy 61 Other Important Habitats. The Council acknowledges that the policy should be changed to bring it into line with Policy 61 and a form of words is suggested to achieve this. While I consider that the general approach proposed for the modified version of the policy is appropriate and would be more consistent with Policy 61, I have reservation regarding the precise wording suggested. Many of the other policies in the plan state "the Council will ..." and not "we will...". I consider that it is preferable for the plan to adopt consistently the more widespread and traditional approach of referring in the policies to the "The Council will..." rather than less formal and less specific term "We will ...".

3. For the sake of consistency, I consider that it would be desirable if this suggested form of wording was also be applied to Policy 61 which contains three references to "We will...". I note that SNH has also submitted a representation on the wording of Policy 61 that seeks consistency of approach and wording between Policies 60 and 61, which deal with similar types of issues. I will deal with the changes suggested in the representation on Policy 61 under that issue.

4. Representation 419 seeks a change in the wording of the policy to refer to avoiding "significant adverse effects" rather than "adverse effects". However, I consider that the suggested changes referred to above regarding the rewording of the policy to state that "*The Council will have regard to the presence of and any adverse effects of development proposals...*" suitably moderates the requirements of the policy. Furthermore, I am not persuaded that the use of "adverse effects" is necessarily inconsistent with the provisions of Scottish Planning Policy or any of the legislation relevant to the protection of the other important species covered in this policy. I therefore conclude that it is not necessary to insert the term "significant adverse effects" into the policy.

Reporter's recommendations:

I recommend that the plan be modified as follows:

Delete the first sentence of Policy 60 beginning "Development proposals should avoid ..." and replace it with:

The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations.

Issue 61	Other Important Habitats	
Development plan reference:	Policy 61 (para 21.6, Page 107)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCS) (2) Brenda Herrick (5) Royal Society for the Protection of Birds Scotland (RSPB) (78) Scottish Natural Heritage (SNH) (118) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Scottish Wildlife Trust (285).</p>		
Provision of the development plan to which the issue relates:	Seeking to safeguard the integrity of features of the landscape which are of major importance because they serve as habitat 'stepping stones'. Regard also given to other habitats which are not necessarily protected as nature conservation sites (listed).	
Planning authority's summary of the representation(s):		
<p>The Mountaineering Council of Scotland (2) feels that Stepping stones and corridors (as in Article 10) are important features of the landscape. Their importance highlights the extra challenge faced by habitats and species that are high altitude specialists and not well adapted to dispersal or competing with more generalist lower altitude biodiversity. For much of this high altitude biodiversity, there is little opportunity to migrate and disperse which adds to the need to conserve these features where they currently occur.</p> <p>Brenda Herrick (5) feels that these policies are excellent but should have been put in place before now.</p> <p>The Royal Society of the Protection of Birds (78) feels that this policy should include reference to the creation of habitats and not just their safeguarding.</p> <p>Scottish Natural Heritage(118) feel that there is no need to include "principal importance" in the 4th bullet point as by definition they are of principal importance. They also feel that there should be consistency between this Policy and Policy 61 regarding the Biodiversity Action Plans and lists.</p> <p>Scottish and Southern Energy PLC (268) feel that this policy is unclear in its drafting and accordingly in how it may be applied in assessing development proposals. The policy, by way of its title, is habitat related. However the policy seeks to introduce landscape considerations that would be very difficult to quantify or measure. The first paragraph of the policy should be removed in order to add more clarity as to how the policy will be applied. The policy currently gives advice which is contrary to the SPP regarding Local Plan preparation; particularly paragraph 17 which requires that Local Development Plans contain policies and proposals that will achieve predictable outcomes.</p> <p>The Scottish Wildlife Trust (285) request that satisfactory mitigation should include compensatory habitat creation and the provision of a multifunctional green network. They feel that a long term management agreement and monitoring programme may be necessary where new habitats have been created.</p>		
Modifications sought by those submitting representations:		
<p>Include creation of habitats and not just their safeguarding (78).</p> <p>Remove "principal importance" from bullet point 4 (118).</p> <p>Given the context, substitute the word mitigation for compensation (118).</p>		

There should be consistency between this Policy and Policy 60 regarding the Biodiversity Action Plans and lists (118).

The first paragraph of this policy should be removed in order to add more clarity as to how the policy will be applied (268).

Include reference to provision of compensatory habitat creation as appropriate mitigation (285).

Summary of responses (including reasons) by planning authority:

The Council also feel that this policy should include references to the creation of habitats and not just their safeguarding (78). The wording “principal importance” should also be removed from bullet point 4 as it does not add any value in this instance.

Scottish Natural Heritage (118) felt that given the context the word mitigation in the last sentence should be substituted for compensation. However the Council feel that the current wording should remain albeit to state that “we will seek to ensure that satisfactory mitigation measures are put in place”. The Scottish Wildlife Trust (285) suggests that compensatory habitat creation should be stated as being possible appropriate mitigation. The Council feel that the form of mitigation suggested should be based on a case by case basis and should therefore be dealt with as a planning condition rather than laid down specifically in policy.

Scottish Natural Heritage (118) feels that this policy needs to be consistent with Policy 60. The Council feels consistency already exists between this Policy and Policy 60.

Scottish and Southern Energy Plc (268) suggest that the first paragraph of this policy is removed. However the Council feel that this paragraph should be retained as it reflects the wording of the The European Habitats Directive (92/43/EEC).

Scottish and Southern Energy PLC (268) feel that this policy currently gives advice which is contrary to the SPP particularly paragraph 17 which requires that Local Development Plans contain policies and proposals that will achieve predictable outcomes. The Council feels that this policy is aligned with the SPP principle of creating a Plan which is prepared in a predictable manner. Para 17 of the SPP does place an expectation on local authorities to prepare development plans that contain policies which achieve predictable outcomes. The Council feel that this policy does that as it will seek satisfactory mitigation where development is judged to be more necessary than retaining certain important habitats.

Any further plan changes commended by the planning authority:

The title of the policy should be renamed “Other Important Habitats and Article 10 Features for clarity.

The wording in the second paragraph should read “nature conservation site designations (such as...).

The term Other Important Habitats should be clarified and reference should be made to “Other Important Habitats” rather than “Other Habitats” in the final paragraph.

Reporter’s conclusions:

Further information received

1. As indicated under Issue 59, in response to a request from the reporter for clarification of the status and justification for inclusion of the supplementary guidance entitled “Highland’s Statutorily Protected Species”, the Council has indicated that the contents of the guidance simply set out the requirements in the relevant legislation regarding the treatment of protected species. The council

also stated that it may produce similar guidance in the future with respect to other important species and other important habitats, which are matters covered in Policies 60 and 61. As a consequence, the Council suggested a rewording of paragraph 21.3.2 to clarify these issues. This matter is dealt with in more detail under Issue 59 and it does not require any further changes to Policy 61 or the supporting text.

Conclusions

2. The representation from RSPB (Scotland) suggests that this policy should be extended to include reference to the creation of habitats and not just their safeguarding. The council has indicated that it acknowledges that the creation of habitats is a matter that should be covered by this policy. I consider that the inclusion of a reference to the importance of creating, as well as safeguarding, habitats would assist in clarifying the council’s policy objectives. I therefore conclude that it would be appropriate to change the wording of the policy to make this matter explicit.

3. I agree with the comments in the representation from SNH (118) that there is no need to state “of principal importance” in the fourth bullet point of the policy. By their inclusion on the Scottish Biodiversity List, the habitats referred to are by definition of significant importance. The deletion of the words “of principal importance” would also mean that this part of the policy would be consistent with the terminology used in the equivalent section of Policy 60.

4. For the sake of completeness and to clarify the matters to be covered, the Council has also indicated that the title of the policy should be expanded to “Other Important Habitats and Article 10 Features”. As explained in its opening paragraph, the policy is designed to deal with the integrity of features of the landscape that have importance because of their linear and continuous nature as habitat “stepping stones”, which enable the movement of wild flora and fauna. This description covers Article 10 features. I also note that Article 10 features are dealt with in the final paragraph of the policy. In these circumstances, I find that it would be appropriate to change the title of the policy.

5. SNH has also indicated that it would be more appropriate in the context of the policy wording to use the term “compensation” rather than “mitigation” as the last word of the policy. This was a matter that was also mentioned in the representation from the Scottish Wildlife Trust. I can appreciate why SNH has suggested this change should be made. However, I believe that the use of the word “mitigation”, as defined in the plan’s Glossary is acceptable in this instance provided that its meaning in the context of this policy is clarified. I therefore consider that it would be appropriate to reword the final sentence to indicate that where important habitats are lost the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.

6. As indicated under Issue 60, SNH has also indicated that there is an inconsistency in the wording and style used in Policies 60 and 61. I consider that for the sake of consistency of approach and clarity of meaning this is a matter that should be rectified. Policy 61 contains three references to “We will...” rather than the more traditional and normal policy wording used in the plan “The Council will...”. I therefore include a recommendation which addresses this issue.

Reporter’s recommendations:

I recommend that the plan be modified as follows:

Delete the policy and replaced it with the following:

Policy 61 Other Important Habitats and Article 10 Features

The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not

protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- Habitats listed in Annex I of the EC Habitats Directive
- Habitats of priority and protected bird species (see Glossary)
- Priority habitats listed in the UK and Local Biodiversity Action Plans
- Habitats included on the Scottish Biodiversity List

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.

Issue 62	Landscape	
Development plan reference:	Policy 62 (para 21.8, Page 108)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCofS) (2) Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) The Trustees of the Cawdor Marriage Settlement Trust (124) Scottish Council for Development and Industry (SCDI) (180) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Association for the Protection of Rural Scotland (353) Jones Lang LaSalle for Spittal Hill Windfarms Ltd (450) M Gilvray (453) Jones Lang LaSalle for PI Renewables (454) Biggart Baillie for Nanclach Ltd (457) Jones Lang LaSalle for Wind Energy (Glenmorrie) Ltd (462) Strutt and Parker for AWG Laing (480) Strutt and Parker LLP for General & Mrs Balfour (481)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>General Comments</u> Considers that the Council should produce a management strategy for each National Scenic Area (NSA). (353)</p> <p><u>Policy</u> Supports policy but fears its introduction is too late. (5)</p> <p>Feels that it would be impossible to monitor the implementation of this policy with the currently proposed wording. Considers that the policy should apply to all landscapes regardless of their "condition". (481, 482)</p> <p>Thinks that the Policy should refer to the Siting and Design Guidance and Sustainable Design Guidance. (118)</p> <p>Believes the Policy should mention European Landscape Convention. (453)</p> <p>Considers the policy to be inconsistent with the policy requirements of SPP (2010) particularly paragraph 17. (268)</p> <p>They consider that protecting and enhancing the area's key tourism assets will support internationalisation of the economy, increasing sustainable economic growth. Therefore all new developments should be assessed on their likely impact on tourism, both individually and cumulatively, and this should be taken into account. (180)</p> <p>The MCofS welcomes the explicit reference to cumulative effects in this policy. They feel that "Cumulative" must be used in the widest sense and not, as has been seen in many Environmental Statements, as visual cumulative impact on one view from one point. Visual amenity is the experienced by humans, who are mobile and do not experience the landscape in a series of photograph-like snapshots. They stand and view a vista but rotating to take in a 360 degree view</p>		

and experience landscapes moving linearly on a journey. They think that both these must be included in the application of consideration of cumulative effects. In landscape terms, cumulative effects can occur to the total resource of a certain type of landscape in the region. They feel this must also be considered. (2)

Renewable Energy Proposals

They are concerned because there is no reference in this policy to say renewable energy developments will be assessed against renewable energy policies. (124, 450, 454, 457, 462)

Feels that it would be impossible to find a scheme for renewable energy developments that would enhance the landscape it is considered that renewable energy developments should be assessed against the renewable energy policies. (450, 454, 457, 462)

Believes that with regard to the policy requirement to 'enhance landscape characteristics', is unreasonable as it places an unreasonable requirement on a developer to extort unrelated benefits. For example, it would be unreasonable for a development proposal that is acceptable in all respects to be expected to enhance landscape characteristics. Whether a development enhances a landscape is also very subjective as enhancement to one person may be detriment to another, particularly with regards to wind energy proposals. (124, 268, 450, 454, 457, 462)

They consider that this would imply, as an example, that a brownfield site should not be developed where the development does not result in net improvement to the landscape, regardless of its effect on the economy or other material considerations. They believe that whether a development enhances a landscape is also very subjective as enhancement to one person may be detriment to another, particularly with regards to wind energy proposals. They feel that the latter should be considered against policies for wind energy. (124)

Policy implementation

Considers that the policy refers to 'special qualities'; however, the policy offers no guidance on how special qualities may be identified by a developer and accordingly how an assessment against this term of the policy may be made. They are concerned that the Local Development Plan makes no reference to any documentation which will help to inform this term. (268, 450, 454, 457)

They are concerned about how the plan will meet the measures described, e.g. how the council will identify, monitor outcomes, train and support staff in appraising whether development proposals will detract from key landscape character. (453)

The MCofS supports the statement that "landscape and scenic value are very important in Highland," however without a more explicit, consulted upon, indication of where developments (particularly renewables) are acceptable or unacceptable; they consider that the outcomes apparently aimed at in this paragraph cannot be delivered. Although Highland has a high proportion of the wind resource, it also has a high proportion of the valued landscapes in Scotland (not all of it designated), and these resources need more equally emphasised in decisions than has been apparent so far. They believe the new development plan to be the appropriate place to achieve this. (2)

Supporting text

The MCofS supports the value given to NSAs and SLAs, however they believe that this paragraph wording unequally emphasises landscapes that are designated over those that are equally valuable but not designated. Wild land character is neither a designated feature, nor a basis for any designated areas selection. This is partly due to the fact that no well-researched mapping has yet been conducted. They greatly welcome that this is to be done for Highland. Wildness is a characteristic specifically stated in SPP (2010) and is of national level importance. They feel that it too should be explicitly included in the statement that, "it will be particularly important for landscape change to relate to the key characteristics and special qualities," and that this is not only tied to designated features as the current wording states. This would better accord with the SPP (2010). (2)

They feel that Landscape Character Assessments (LCA) are purely descriptions; and that it is the value judgments placed on each of the categories that provide guidance about appropriate locations for development. However Landscape capacity studies very much reflect the brief that was provided for their drafting. To illustrate this, some capacity studies have the remit of finding a certain amount of land where wind farms can be located or the better locations for a minimum amount of megawatt output. Another brief may be to find what amount of area is available for wind farms based on a list of constraints. They consider that these two types of brief return very different results but both are labelled as a capacity studies. The latter is far closer to an indication of true capacity, and is the only capacity measure that is relevant to paragraph 128 of the SPP (2010), “the most sensitive landscapes may have little or no capacity to accept new development.” The former does not assess true capacity as required by the SPP (2010). (2)

Modifications sought by those submitting representations:

General Comments

Produce a management strategy for each NSA. (353)

Policy

The policy should apply to all landscapes regardless of their “condition”. The wording “Developments should enhance landscape characteristics where the condition of these is deteriorating or has deteriorated, resulting in the loss of landscape quality and/or distinctiveness of place” should be changed to “Developments should enhance the distinctive sense of place of the landscape within which they are situated”. (480, 481)

Modify last sentence of policy to read, “Landscape Character Assessments and the Council’s Supplementary Guidance on Siting and Design and Sustainable Design should be taken into account ...” (118)

Policy should mention European Landscape Convention. (453)

Make compliant with SPP (2010) paragraph 17 (unsure as to specific modification sought). (268)

Impact on tourism should be explicitly mentioned in this policy (assumed). (180)

Support the inclusion of ‘cumulative impacts’ within this policy (assumed). (2)

Renewable Energy proposals

Removal of ‘developments should enhance landscape characteristics where the condition of these is deteriorating or has deteriorated’. (124)

Amend policy to state it is not for assessing renewable energy proposals (124, 268, 450, 454, 457, 462)

Policy Implementation

The reference to special qualities should be removed from the policy or better defined within the LDP to add additional clarity. (268)

Unclear what specific modifications to the HwLDP are being sought. (2, 453)

Supporting text

Give additional emphasis to landscape which is not designated (assumed). (2)

A definition of a true landscape capacity study needs included in the glossary of the development plan to ensure capacity studies accord with the SPP (2010). (2)

Summary of responses (including reasons) by planning authority:General comments

The Council does not have the resources to produce a management strategy for each NSA. However it is acknowledged that the Scottish Government are undertaking an exercise to produce NSA statements. These are likely to be a material consideration much in the way SSSI statements are.

Policy

Brenda Herrick support is noted.

The focus on degraded landscapes reflects the SPP (2010) (paragraph 127). For degraded landscapes there is more of a need for enhancement than when the existing landscape condition is good. The Council is satisfied with the current wording but recognises that a planner will on occasion seek enhancement where the condition of the landscape is already good.

The Council accepts that this cross reference the Siting and Design and the Sustainable Design Supplementary Guidance_would be useful.

Again the Council would understand if the Reporter is minded to recommend this change to refer to the European Landscape Convention but feel this should be within the supporting text rather than the policy.

The SPP (2010) paragraph 17 relates to the development plan as a whole, and whilst Policy 62 does not achieve these elements on its own, it is considered as part of the suite of policies it helps achieve predictable outcomes.

It is considered that the impact on tourism is a by product of impact on the landscape. If the landscape is appropriately protected this should protect the interests of the tourism industry therefore it is not considered that the policy needs to be amended to include assessment of a proposals likely impact on tourism.

The MCoFS support of the use of 'cumulative' is noted.

Renewable energy proposals

The concern expressed about this policy not being appropriate for renewable energy proposals is perhaps at least partially due to misunderstanding about the way the Council will assess any proposal. The HwLDP clearly states at 18.2 that each planning application will be assessed against all policies of the plan. Whilst a proposal may not meet the second part of Policy 62 this does not mean that it could not be supported. The Council will consider the proposal against all policies and weigh this up in its overall assessment. This policy should be applicable to all types of development but it is recognised that this will sit alongside development type specific policy such as Onshore Wind Energy Supplementary Guidance.

The Council recognises that enhancement of landscape characteristics will not be required of every proposal where landscape characteristics have been or are deteriorating. The council is unconcerned if the reporter is minded to change this policy to suggest that the second part of this policy is about encouraging this and is not an expectation that every development proposal will need to achieve this. However because a proposal might not meet this part of the policy it would not necessarily mean that the proposal would be considered inappropriate overall when assessed against all the relevant policies of the plan. Therefore amendment is not considered strictly necessary

Policy Implementation

Special qualities can be interpreted with reference to Landscape Character Assessments. These consider the key characteristics for each landscape character type and there is a strong link between characteristics and the respective qualities of a landscape.

The Council and SNH are working together to identify training needs for landscape assessment. As part of this we carried out training on how to use Landscape Character Assessments to consider development proposals. In the future once finalised we will arrange training for use of our SLA citations.

Policy 62 is a landscape policy for all types of development so does not achieve detail on specific development types. With the benefit of more focus a more explicit indication of where and when renewable energy development is appropriate but will be achieved through Onshore Wind Energy Supplementary Guidance rather than the HwLDP.

Supporting text

If the reporter feels there is benefit in amending the text so that Landscape Character Studies and Landscape Capacity Studies are defined separately then some revised wording is commended for consideration.

With regards to the concern that designated sites are given too much emphasis it is pointed out that the start of that paragraph begins, "Many of the landscapes of highest quality and value are designated landscapes." Also right through the supporting text 'within and outwith designations' is given emphasis. It is felt that there is a clear position to give appropriate protection to all landscapes.

Any further plan changes commended by the planning authority:

Glossary definition: Landscape Character Assessments: Describe the landscape character types and provide some tailored guidance on how to accommodate development within the specific character types present. Landscape Capacity Studies: Consider the extent to which a particular landscape type is able to accept a particular kind of change (such as mining, forestry, windfarms) without significant effects on its character.

Commend modification of last sentence of policy to read, "Landscape Character Assessments and the Council's Supplementary Guidance on Siting and Design and Sustainable Design should be taken into account ..."

Reporter's conclusions:

Further information received

1. In response to a request from the reporter which sought confirmation of the status of the guidance mentioned in Appendix 6.3, "Designing for Sustainability", and whether this is the same guidance that is referred to in this policy, the Council indicated that the document referred to in Policy 62 was not the same as the one mentioned in the appendix. It was also indicated that the Council did not intend to re-adopt the document referred to in the appendix as statutory supplementary guidance. It was explained that the Council had recently adopted a new document entitled "Sustainable Design" as interim supplementary guidance. The council confirmed that this document had been specifically prepared to accompany and provide support for the approach set out in the plan. Therefore, it is this revised guidance that should now be referred to in the Appendix 6.3.

2. The council also acknowledges that the main principles which underpin the revised guidance should be set out in the plan. It was explained that it is the Council's intention to adopt the "Sustainable Design" guidance as statutory supplementary guidance. It was pointed out that the key principles of the approach contained in this guidance have already been included in the plan under Policy 29: Sustainable Design. However, to avoid confusion or misunderstanding, the Council accepts that it would be appropriate to include a cross reference to the principles set out in Policy 29 in the present policy. I consider that to ensure a proper understanding of Policy 62 and to assist with its implementation it is important that the linkage between the two policies and the associated guidance is made transparent. I therefore include a recommendation below to deal with this matter.

Conclusions

3. The representation from the Association for the Protection of Rural Scotland (353) indicates that

the Council should prepare management strategies for each of the National Scenic Areas (NSAs) in the Highlands. However, I do not believe that this is necessarily an appropriate matter for inclusion in a strategic land use plan that provides a planning framework for the whole of the Highlands. The preparation of such strategies involves much detailed work and is likely to require the involvement of SNH and possibly other representatives of the Scottish Government, who have a direct interest in these nationally important areas. Therefore, I do not consider that it is either appropriate or necessary for the plan to include a reference to the need to prepare management strategies for NSAs.

4. In the representation from M Gilvray (453) it is indicated that the plan fails to recognise the provisions of the European Landscape Convention (2000). The aims of this convention are to promote landscape protection, management and planning throughout Europe. The convention emphasises that the landscape is an important part of the quality of life for people everywhere, whether they live in areas of outstanding beauty or in less attractive areas. I note that the convention is referred to in SPP at paragraph 127. The Council has acknowledged that for the sake of completeness reference should be made to the convention in the plan. In my opinion, as public authorities are required to take account of the provisions of the convention, it would be appropriate for the document to be acknowledged in the supporting text of the plan. I include a recommendation to this effect below.

5. The representations made on behalf of a number of renewable energy companies and others (124, 268, 450, 454, 457 and 462) express concern that the particular needs of their industry are not specifically recognised within the landscape policy. However, I believe that the Council is correct to point out that development proposals will be assessed on their individual merits against all the relevant policies in the plan. The various policy provisions of the plan have to be read together and a judgement made on whether on balance the proposal satisfies the relevant provisions of the plan. In this context, a proposal may be acceptable in overall terms despite the fact that it offends one or more individual policies. In these circumstances, I do not consider that it is either necessary or appropriate to include a reference within the landscape policies to the particular issues involved in successfully siting renewable energy projects, such as wind farms, in the Highland landscape. I am also not persuaded that it would be appropriate to indicate that the policy does not apply to the consideration of wind farm proposals. The Council's policy on renewable energy is set out under Issue 68 and more detailed information on siting issues is contained in the relevant supplementary guidance. I believe that this is the most appropriate and satisfactory way of dealing with the matter. I do not therefore accept that there is adequate provided in these representations to warrant making any modification to the plan.

6. Similarly, the representation from the Scottish Council Development and Industry (180) suggests that given the importance of tourism to the Highland economy, all new developments should be assessed against their likely impact on the tourist industry rather than on their effect on the landscape. As indicated above, there are specific policies in the plan which deal with tourism (Issues 44 and 45), and these along with all the other relevant policies will be taken in account in the consideration of development proposals which may affect the landscape. I am not therefore persuaded that it is appropriate in a policy dealing with landscape issues to highlight the particular interests of any individual sector of the economy for special treatment, no matter how important it may be.

7. Scottish Natural Heritage (118) indicates that the last sentence of the policy should be amended to make specific reference to the Siting and Design guidance. The council acknowledges that it would be useful to include a reference in the policy to both the "Siting and Design" and the "Sustainable "Development" supplementary guidance. I consider that for the user of the plan to have a full appreciation of the Council's policy intention it is important that the policy contains a reference to the most recent supplementary guidance. I include a recommendation below to give effect to this conclusion.

8. The Mountaineering Council for Scotland (2) indicates that, to avoid confusion to the reader of the plan, clarification should be provided in the supporting text of the distinction between landscape character assessments and landscape capacity studies. Definitions of the content and purpose of

these two different types of assessment should also be included in the Glossary. The Council does not oppose the clarification of this matter and suggest possible definitions for inclusion in the plan. I consider that it is important, in the light of the reference in paragraph 128 of SPP to the capacity of sensitive landscapes areas to accommodated new development that the difference between the two types of landscape analysis is made clear. In the interests of clarity and understanding, I therefore recommend that the definitions of the two forms of landscape assessments should be included in the plan's glossary. The text should also be modified to denote that the terms are defined in the Glossary.

9. This representation also raises concerns that the policy and supporting text place too much emphasis on designated landscapes compared to those valuable landscapes which are not formally recognised. However, I consider that the policy applies to landscapes in general throughout the Highlands and I do not believe that it is exclusively focused on designated areas. In addition, the supporting text, at paragraph 21.7.3, acknowledges that not all landscapes of the highest scenic quality within the Highlands are necessarily designated. Reference is also made in the text to the policy being applicable to landscapes both within and outwith designated areas. I do not therefore believe that it is necessary to modify the plan with respect to this point.

10. A number of representations (124, 268, 450, 454, 457, 462, 480 and 481) express concern that the policy implies that all developments will be expected to enhance the landscape characteristics of an area even where the condition of the landscape is considered to have deteriorated. I note that the Council has indicated that landscape enhancement will not be possible or required in every case where the landscape characteristics have deteriorated. It is accepted that the intention behind the second part of the policy should be clarified to make it unambiguous that the Council's intention is to encourage developers to enhance the landscape and not to compel them to do so. Consequently, not every development will be required to deliver an enhancement of the landscape. The Council also emphasises that just because a proposal did not bring about an improvement to the landscape this does not mean that the development would necessarily be assessed as being inappropriate. In my view, as presently worded the second part of the policy is unclear and potentially misleading. I conclude that it should therefore be modified to remove any ambiguity and make explicit the Council's intentions, which are set out above.

11. Those making the above representations also expressed concern that the policy failed to make clear what constituted the "special qualities of an area". It was submitted that this lack of clarity meant that the policy did not fully comply with the requirements of SPP. The council has indicated that the special characteristics should be interpreted with reference to the approach contained in the various Landscape Character Assessments commissioned by SNH. I consider that the policy would benefit in terms of greater clarity and a better understanding of the policy intentions if this point is made explicit. I therefore recommend that the first sentence of the policy should be reworded. If these modifications are made, I do not believe that the policy would be contrary to the guidance on this matter in the SPP.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Delete Policy 62 and replace it with the following:

Policy 62 Landscape

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character

Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

2. Insert a note under the policy stating the following:

Note: The principles and justification underpinning the Council’s approach to sustainable developments are contained in the supplementary guidance: “Sustainable Design”. The key principles underlying this guidance are set out in Policy 29: Sustainable Design.

3. The plan should be modified by deleting the reference in Appendix 6.3 to the guidance “Designing for Sustainability” and replacing it with a reference to the “Sustainable Design” supplementary guidance.

4. The definitions set out below should be added to the Glossary and the text of the policy modified to denote that both terms are now defined in the Glossary.

Landscape Character Assessments: Describe the landscape character types and provide some tailored guidance on how to accommodate development within the specific character types present.

Landscape Capacity Studies: Consider the extent to which a particular landscape type is able to accept a particular kind of change (such as mining, forestry, windfarms) without significant effects on its character.

Issue 63	Geodiversity	
Development plan reference:	Policy 63 (para 21.10, Page 108)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Boyd Brothers Haulage (438)</p>		
Provision of the development plan to which the issue relates:	Geodiversity policy and supporting text.	
Planning authority's summary of the representation(s):		
<p>As part of the Council's Habitats Regulations Appraisal (HRA) of the plan the <u>policy should be made more robust in terms of significant effects on European sites</u> Therefore last sentence should be augmented to read, "...where it is possible to sympathetically integrate development, geodiversity and other existing interests." (118)</p> <p><u>Policy should be amended so that it does not seek to extract net benefit for the geodiversity resource</u> which is unreasonable and places an unreasonable requirement on a developer. For example, it would be unreasonable for a development proposal that is acceptable in all other respects to be expected to enhance landscape characteristics. (268)</p> <p><u>Supporting text should be amended.</u> The statement within paragraph 5.73 (think this should be para 21.9.1) of the preceding policy text that geodiversity outwith designated sites is of equal importance to that within a designated site is not reasonable. (268)</p> <p><u>The role of the policy should be expanded (assumed).</u> Geodiversity should not be used to solely promote tourism and preservation at the expense of industrial development and economic sustainability. (438)</p> <p>Supports the policy. (assumed 5)</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Last sentence augmented to read, "...where it is possible to sympathetically integrate development, geodiversity and other existing interests." (118) • Amend policy so that it does not seek to extract net benefit for the geodiversity resource. (268) • The supporting policy text, para 5.73 (think this should be para 21.9.1), should be amended to reflect the fact that the most valuable areas are generally designated, but that appropriate consideration will also be give to the geodiversity resource outwith designated sites. (268) • The role of the policy should be expanded (assumed). 		
Summary of responses (including reasons) by planning authority:		
<p><u>Policy should be made more robust in terms of significant effects on European sites.</u> (118)</p> <ul style="list-style-type: none"> • If the HRA of the Plan indicates that the last sentence of the policy requires to be augmented then the Council will support the amended text, "...where it is possible to sympathetically integrate development, geodiversity and other existing interests." 		

Policy should be amended so that it does not seek to extract net benefit for the geodiversity resource. (268)

- The policy as currently written encourages developers to include measures to protect and enhance geodiversity; it does not say that it will be expected or that proposals will not be supported if measures are not included. Equally it encourages improvement of accessibility and interpretation as an educational or geotourism resource. The policy does not need amended as it does not state that these measures will be required and hence does not place an unreasonable requirement on a developer.

Supporting text should be amended. (268)

- The Council recognises that designated sites will always have more importance in policy terms than undesignated sites. However the supporting text of the policy is acknowledging that there are many sites which are undesignated but which still equally important components of the landscape. However if the Reporter disagrees then the Council would suggest that the word “equally” is removed and replaced with “also”.

The role of the policy should be expanded (assumed). (438)

- It is not the intention of the policy to promote tourism and preservation at the expense of industrial development and economic sustainability. The policy is intended to promote measures to protect and enhance geodiversity in designated sites and to compliment the policy on natural, built and cultural heritage. There are other policies within the plan that help promote industrial development and economic sustainability therefore it is unnecessary to repeat in this in this policy.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

1. The representation from SNH (118) indicates that to satisfy the requirements of the Habitats Regulations the policy should be made more robust in terms of its recognition of the potential significant effects on European sites. It is therefore suggested that the last sentence in the policy should be changed to read: “... *where it is possible to sympathetically integrate development, geodiversity and other existing interests.*” The Council accepts that it would be appropriate to incorporate this change in the plan. I consider that the proposed revised wording clarifies that it is not solely the geodiversity interests that need to be addressed, but geodiversity and other related interests. In the interests of clarity and a proper understanding of the Council’s policy intentions, I conclude that the modification proposed by SNH to the policy should be made.

2. With respect to representation 268, concern is expressed that the policy may be used to extract unreasonable planning gain from developers in support of the protection of geodiversity resources. However, my reading of the policy is that it seeks simply to encourage developers to include measures to protect and enhance geodiversity in the Highlands. There is no indication in the policy that the absence of such measures would necessarily result in development proposals being refused. As indicated previously in this report, the plan must be read as a whole. Development proposals will therefore be assessed on the basis of their individual planning merits and against the provisions of all the relevant policies. I conclude that there is nothing in the wording of the policy which substantiates the assertion made in this representation regarding the possible imposition of planning gain requirements.

3. The representation also emphasises that the most valuable areas for geodiversity are generally found within designated sites. It is submitted that it is therefore unreasonable for the supporting text, at paragraph 21.9.1, to state that geodiversity in the wider landscape outwith designated sites is of equal importance and significance. It is suggested that the text should be changed to make it clear that the most valuable areas are generally designated, but that the Council will give appropriate consideration to the geodiversity resource in areas outwith the designated sites. The Council has

indicated that it accepts that designated sites should be given more weight in policy terms. Nevertheless, it points out that there are many sites of geodiversity interest and value which remain undesignated. In the Council's opinion such sites can constitute important components of the landscape. It is the potential significance of these sites and the contribution that they make to the landscape which the text is attempting to highlight. I consider that the Council has a valid point with regard to the potential contribution which such undesignated sites can make to the quality of the landscape and scenery in the Highlands. However, I am not persuaded that, as presently worded, the text of the plan makes the council's position clear on this matter. I therefore recommend that the last sentence of paragraph 21.9.1 should be modified to clarify the situation.

4. Concern is expressed in representation 438 that it would appear that geodiversity is being used to promote tourism and conservation objectives at the expense of securing industrial development and economic sustainability. However, the Council has made it clear that this is not intention of the policy and that there are other policies in the plan designed to encourage industrial development and the creation of jobs. As indicated above, the policies of the plan have to be read together and the lack of reference in an individual policy to a particular issue does not mean that the matter has been overlooked or undervalued. I note that the plan contains policies dealing with industrial development and economic growth and I do not therefore consider that it is either necessary or appropriate for these matters to be referred to in a policy dealing with geodiversity.

Reporter's recommendations:

I recommend that the plan be modified as follows:

1. Delete the last sentence of the policy and replace it with the following:
The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests."
2. The last sentence of paragraph 21.9.1 should be deleted and replaced with the following:
However, geodiversity interests in the wider landscape, outwith designated sites, are also important and represent an integral component of the scenery and the natural and built heritage of the Highlands.

Issue 64	Water Environment	
Development plan reference:	Policy 64 (para 21.12, Page 109)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number);		
<p>Brenda Herrick (5) Royal Society for the Protection of Birds (RSPB) (78) Scottish and Southern Energy (SSE) (268), Sportscotland (320) Scottish Environment Protection Agency (SEPA) (326)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>General comment</u> In response to the Main Issues Report Sportscotland's main policy interests were commented upon and suggestions put forward to ensure that sporting interests are considered within the Local Development Plan. Sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and raise no objections. (320)</p> <p><u>Supporting text</u> SEPA state that, In order to meet the requirements of the Water Framework Directive (200/60/EC), planning authorities are designated "responsible authorities" by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015. (326)</p> <p>SEPA also recommend that a specific reference to wetlands and water dependent habitats would be useful. The Water Environment sections (21.11 & 21.12) do not actually spell out what the water environment comprises, and it would be useful to include that here.</p> <p>The river basin management plan for the Scotland river basin district was published in December 2009. All supplementary area management plans and a GIS interactive map are now available on the SEPA website – river basin planning. Please note that the link currently given in section 21.11.3 is to the flood map on SEPA website. (326)</p> <p><u>Policy</u> SEPA support the Council's objectives to protect the water environment as outlined in this policy. (326)</p> <p>More explicit mention should be made about cumulative impacts and that these will be considered when assessing proposals (78).</p> <p>SSE: The policy test as set out is generally supported; however, SEPA has a statutory role in assessing CAR licence requests for abstractions under the European Water Framework Directive. As such, it is recommended that SEPA's specialist advisory role is recognised within the policy. (268)</p> <p>This policy is excellent but too late.(5)</p>		

Modifications sought by those submitting representations:Supporting text

SEPA suggest adding sentence to end of 21.11.1: "In this context, the water environment includes rivers and burns, lochs, canals, coastal and transitional waters (e.g. estuaries), wetlands and groundwater" (326).

Policy

It is recommended that SEPA's specialist advisory role is recognised within the policy. (268)

More explicit mention should be made about cumulative impacts and that these will be considered when assessing proposals (78).

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

Note Brenda Herrick's support.

Supporting text

The Council can see the merit to including the sentence suggested to define the water environment.

If the Reporter is minded to recognise the specialist advisory role of SEPA, and/or the importance of considering cumulative impacts it is suggested this could perhaps be better placed within the supporting text rather than the policy itself.

The Council note SEPA's comments regarding the Water Framework Directive and will update the link to SEPA's River Basin Management webpage and commend the suggested supporting text which will replace 21.11.2.

Any further plan changes commended by the planning authority:

Factual change: The link to the River Basin Management needs to be updated.

Commend SEPA suggested sentence to define the water environment, and commend the replacement of text in 21.11.2 in accordance with the revised wording proposed.

Reporter's conclusions:

1. The representation by SEPA (326) indicates that there is a need to update and expand the supporting text to the policy to satisfactorily explain the statutory background and role of the Water Frameworks Directive. I note that the Council acknowledges that it would be appropriate for the plan to be modified to reflect SEPA's views on this matter. I consider that it would be appropriate in order to achieve greater clarity and a fuller understanding of this matter to change the supporting text as suggested by SEPA. I am aware that the Council also accepts that there is merit in better defining within the supporting text what constitutes the water environment in terms of the policy. I believe that it would be appropriate to include these matters as they clarify the statutory position and the scope of the policy. I therefore conclude that it would be appropriate to make the changes to the supporting text set out below in the recommendations.

2. Representation 268 suggests that SEPA's specialist advisory role should be recognised within Policy 64. While SEPA undoubtedly has an important statutory role to play in assessing licence applications for abstractions consents under the European Water Framework Directive, I am not persuaded that it is necessary or appropriate for this level of detail to be included in a local development plan which deals primarily with land use planning issues.

3. I note that the Council, in response to representation 78, has acknowledged that it would be appropriate to include reference in the supporting text to the need when undertaking assessments

for consideration to be given to the potential cumulative impacts of developments. In my view, the inclusion of such a reference would be helpful to a proper understanding of the policy and should be added.

4. SEPA's representation also points out that the link to the website in paragraph 21.11.3 is to an earlier version of its flood maps. The Council has indicated that the link requires to be updated to provide access to information on area management plans, GIS interactive maps and river basin planning. The recommendation below deals with this matter.

Reporter's recommendations:

I recommend that the following modifications should be made:

1. Add a sentence at the end of paragraph 21.11.1 which states:

In this context, the water environment includes rivers and burns, lochs, canals, coastal and transitional waters (e.g. estuaries), wetlands and groundwater.

2. Add a further new sentence at the end of paragraph 21.11.1, after the additional sentence set out in Recommendation 1 above , which states:

In undertaking assessments of proposals which could affect the water environment, consideration should be given to the potential cumulative impacts of such developments.

3. The supporting text at paragraph 21.11.2 should be deleted and replaced with the following:

21.11.2 In order to meet the requirements of the Water Framework Directive (2000/60/EC), planning authorities are designated "responsible authorities" by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration; and, (ii) promoting improvements in the water environment; in order that all water bodies achieve "good" ecological status by 2015.

4. The link to SEPA's website in paragraph 21.11.3 of the supporting text should be modified to ensure that users of the plan have access to the latest information available on area management plans, the GIS interactive maps and guidance on river basin planning.

Issue 65	Flood Risk	
Development plan reference:	Policy 65 (para 21.15, page 111)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
Brenda Herrick (5) Royal Society for the Protection of Birds Scotland (RSPB) (78) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Flood Risk General Policy	
Planning authority's summary of the representation(s):		
<p><u>Brenda Herrick (5)</u> Supports policy but fears its introduction is too late.</p> <p><u>RSPB (78)</u></p> <ul style="list-style-type: none"> • Asserts the Policy should require developers to produce flood risk assessments that include consideration of environmental effects and climate change. Believes this principle is now established by the Flood Risk Management Act. • Comments that climate change impacts are not limited to coastal developments. • Suggests rewording of final sentence to provide a fuller description of potential natural flood management measures. • <p><u>SEPA (326)</u> Supports policy.</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Policy 65 should be amended to require developers to produce flood risk assessments that include consideration of environmental effects and climate change (assumed) (78). • Deletion of final sentence of policy and replacement with: "Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable." (78) 		
Summary of responses (including reasons) by planning authority:		
<p><u>Brenda Herrick (5) & SEPA (326)</u> Support noted.</p> <p><u>RSPB (78)</u></p> <ul style="list-style-type: none"> • The Council accepts that section 9 of the Flood Risk Management (Scotland) Act 2009 requires SEPA, in producing its management district flood risk assessments (FRA), to base them on "available and readily derivable information", in particular including an allowance for climate change, in judging flooding probabilities. • Although this legal requirement applies to SEPA and to very large geographic areas, the Council accepts the desirability of including a climate change allowance in Highland's flood risk mapping and planning policy. Indeed Policy 65 already recognises this principle for development that borders the coast and requires an FRA for these developments. • However, the issue is one of data quantity and quality. The Council's policy in triggering a sometimes expensive developer requirement to undertake an FRA needs to be based on 		

reliable evidence to be defensible and applicable to specific geographic areas. SEPA's existing coastal flood risk data and mapping does not include an allowance for climate change and the consequent, predicted sea level rise. The Council therefore added an FRA requirement to apply to all coastal development. However, to go further when there is no "available and readily derivable information" to base the FRA policy trigger on would not be sensible. It is understood that SEPA is striving to improve its flooding data and mapping, albeit using national modelling, to provide better local data on groundwater, pluvial, small watercourse and coastal flooding. Policy 65 is written to allow for the application of this better data when it becomes available.

- The suggested re-wording of the final sentence adds very little to the value and meaning of the policy but if the Reporter sees fit to recommend such a change then the Council would be content to accept it.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Further information received

1. In response to a request from the reporter, the Council indicated that it proposes to issue a draft of the technical guidance referred to in paragraph 21.14.3 of the plan. This guidance, which will be entitled "Flood Risk and Drainage Impact Assessments", will not be completed until October 2011 at the earliest. It is intended that the document will in due course be adopted by the Council as statutory supplementary guidance. The change in the title of the guidance and the delay in the timing of its release mean that a factual correction is necessary to the list of guidance contained in Appendix 6.3. The Council also points out that the guidance, which is technical in nature and aimed at engineers, will set out checklists and standards for the production of flood risk assessments and drainage impact assessments.

2. In order that these matters can be satisfactorily addressed in the plan, the Council suggests that paragraph 21.14.3 could be reworded as follows:

The Council intends to produce further Supplementary Guidance in the form of technical standards and checklists for the production of flood risk assessments and drainage impact assessments to ensure the implementation of the principles of the policy below and Policy 67 Surface Water Drainage.

Conclusions

3. The representation from RSPB (78) suggests that Flood Risk Assessments (FRAs) should include consideration of the environmental implications of any proposed works and an allowance for the future effects of climate change. The Council acknowledges that the inclusion of an allowance for climate change should be applied in the preparation of flood risk assessment maps for the Highlands and should be reflected in planning policy on the issue. Although this point is not explicitly covered in the wording of Policy 65, apart from a passing reference to the matter with respect to developments which border the coast, it is an issue which is recognised in the supporting text in the opening sentence of paragraph 21.14.1.

4. Given the requirements of recent legislation and the involvement of SEPA in developing best practice for the undertaking of FRAs, I do not consider that it is necessary for specific reference to be made within the policy to the need to include an allowance for climate change. Similarly, while the environmental effects associated with mitigating the effects of flooding are an important concern, I do not believe that this is a matter that has to be specifically recognised within the policy. I am aware that the Council has indicated that it intends to produce further more detailed technical guidance on this matter which will be based on the principles set out in Policy 65. In the context of this particular local development plan, which is intended to provide a broad overall spatial strategy and vision for the whole of the Highlands, I believe that the detailed requirements of what should be included in the FRAs would more appropriately be included within such supplementary guidance. It is also significant to note that the representation from SEPA (326) states that the agency, which is

involved on a day to day basis with issues relating to flood prevention, supports the terms of policy as set out in the plan. Drawing these considerations together, I do not consider that the policy should be modified to include specific reference to climate change or possible environmental effects.

5. Representation (78) also suggests that the final sentence of the policy should be expanded to more accurately reflect the range of potential natural flood prevention measures that can be implemented. I believe that the proposed revised wording set out in the representation would assist in providing users of the plan with a better understanding of the types of flood prevention measures that can be used. Therefore, I consider that it is appropriate to recommend that this part of the policy should be modified.

Reporter's recommendations:

1. I recommend that the following modifications should be made:

1. The last sentence of Policy 65 should be deleted and replacing with the following:

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

2. To update the position regarding the preparation of technical guidance, paragraph 21.14.3 should be deleted and replaced with the following:

The Council intends to produce further Supplementary Guidance in the form of technical standards and checklists for the production of flood risk assessments and drainage impact assessments to ensure the implementation of the principles of the policy below and Policy 67 Surface Water Drainage.

3. In Appendix 6.3 on page 154, the reference to the proposed supplementary guidance entitled "Planning for Managing Floods" should be deleted and replaced with "Flood Risk and Drainage Impact Assessments".

Issue 66	Waste Water Treatment	
Development plan reference:	Policy 66 (paras. 21.17, page 112)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Brenda Herrick (5) Scottish Natural Heritage (SNH) (118) Scottish Environment Protection Agency (SEPA) (326) GH Johnston Building Consultants (GHJ) (459)</p>		
Provision of the development plan to which the issue relates:	Waste Water Treatment General Policy	
Planning authority's summary of the representation(s):		
<p><u>Brenda Herrick (5)</u></p> <ul style="list-style-type: none"> Supports policy but fears its introduction is too late. <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> Believes supporting text of Policy 66 should require a high, (to produce bathing water quality), year round, level of treatment of foul water that will discharge to those parts of the Moray Firth frequented by bottlenose dolphins. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> Supports policy. <p><u>GHJ (459)</u></p> <ul style="list-style-type: none"> Disagrees with Policy 66 requirement for larger, rural developments to have to connect to public sewerage for the following reasons. This approach runs contrary to other policies within the Plan which encourage rural diversification, tourism, brownfield, services, minerals, business and industrial developments. Larger, rural developments not served by public sewerage would not be contrary to SEPA's Policy on the Provision of Waste Water Drainage in Settlements, PAN 73 Rural Development and PAN 79 Water and Drainage. Some larger, rural developments have to locate in the countryside and in areas where public sewerage provision doesn't exist and will never be economic - e.g. those based on the location of natural resources. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Include new paragraph after 21.16.2 to read, "For new or modified discharges to the Moray Firth, in situations where the area over which the discharge of waste water is likely to disperse in 12-24 hours overlaps with areas known to be frequently used by dolphins, the treatment level should meet a bathing water standard (applied throughout the year rather than just for the June-September period)." (118) The clause '<i>wherever single developments of 25 or more dwellings (or equivalent) are proposed</i>' should be deleted from policy 66 and the policy reworded accordingly (459) 		

Summary of responses (including reasons) by planning authority:Brenda Herrick (5) & SEPA (326)

Support noted.

SNH (118)

- SNH's suggested addition is written as a policy not as a justification for a policy. The aim of this suggested policy addition may be laudable but it concerns a matter more properly dealt with by SEPA through its role in considering discharge licences. SEPA discharge consents control the impact of development on the receiving water environment often by means of a numeric concentration or loading limit. Conditions can also vary compliance time periods. Although some discharge issues are dealt with through building standards regulations and planning application conditions, monitoring the effectiveness of these on the wider water environment is a SEPA issue.
- It should be noted that Policy 66 is a distillation of several years of discussions with SEPA and the scrutiny of reporters through several local plan inquiries and examinations. A general reference to this issue is included within Policy 66 (lines 14-16) which states, "Within areas of cumulative drainage impact (as defined by SEPA), applicants will be required to submit evidence to SEPA and the Council that their proposal will not result in or add to significant environmental or health problems." This reference highlights the role of SEPA and provides a sufficient development plan reference. SEPA supports the existing policy.

GHJ (459)

- Paras. 3.8 and 18.2 of the Plan clarify that planning applications are assessed against all relevant provisions of the development plan. Conformity with one particular policy doesn't guarantee a policy recommendation to grant permission and similarly non conformity with one doesn't necessarily guarantee a policy recommendation to refuse. Although the planning authority is ultimately required to reach a "black or white" conclusion on whether any proposal accords with the development plan or not, Policy 66 does not specify that a proposal's non-compliance with that particular policy would mean that it would not accord with the development plan as a whole.
- The Council accepts there are inevitable tensions between any development plan's objectives, allocations and general policies. Hence the now accepted planning practice of considering the relevance and applicability of all development plan provisions before reaching an overall conclusion.
- In practice, if a larger rural proposal demonstrates many positive impacts across other Plan policies then Policy 66 will be used as a framework for negotiation not as a justification for an embargo on such development. Developers in such cases would be asked to follow a sequential approach to treating their waste water. Ideally they would connect to an existing public sewerage system and that system would have spare existing or programmed capacity. Failing that, the Council (and hopefully SEPA) would assist the developer in lobbying Scottish Water to programme and implement an augmented or first time supply sewerage scheme. Failing that, an interim private sewerage scheme of a specification capable of later adoption by Scottish Water would be negotiated. All sewerage solutions would have to demonstrate no significant (increase in) environmental or health problems.
- Therefore, Policy 66 when applied in conjunction with other development plan policies will not automatically preclude the types of development suggested. Rather, it places the onus on these developers to demonstrate the wider benefits and Plan conformity of their proposals before other sewerage solutions are considered.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. I note that the representations from B Herrick (5) and SEPA (326) indicate support for the policy

as set out in the plan. With respect to the representation from SNH (118), this expresses concern about the need to maintain water quality in those areas of the Moray Firth Special Area of Conservation (SAC) which are frequented by bottlenose dolphins. It is suggested that additional text should be inserted in the supporting text to the policy which would set out the minimum treatment levels to be achieved for any waste water from new or modified discharges. I recognise that this could be an important issue in maintaining water quality in particular parts of the Moray Firth and in safeguarding the marine ecosystems for the dolphins. However, I am not persuaded that it is appropriate for this level of detailed technical guidance to be included in a land use plan. As indicated by the Council, the issue of the acceptable treatment levels of discharges is a matter that is primarily the responsibility of SEPA. It is SEPA which has the statutory responsibility for operating and enforcing the system of discharge licences. Although such matters may also on occasions be referred to in planning conditions they are not normally the subject of control through the land use planning system. In these circumstances, I do not consider that it is necessary or appropriate for such matter to be included in the plan.

2. Representation 459 seeks the deletion of the reference in Policy 66 to the requirement for proposals for single developments of 25 or more dwellings to be connected to a public sewer. It is submitted that the policy makes no allowance for situations where development in excess of 25 dwellings are proposed in locations that are not close to any existing or planned public sewers. It is further submitted that this is at odds with other policies in the plan which encourage certain forms of development outwith existing settlements.

3. On this point, I consider that the policies of the plan have to be read together and that decisions on the acceptability or otherwise of proposals require to be taken on the basis of the provisions of the development plan as a whole. I do not consider that there is any indication in the plan that the failure to comply with the terms of a single policy, such as Policy 66, would necessarily result in a refusal of planning permission. The policy, as set out in the plan, indicates the Council's strong preference for any new development of any significant scale to be connected to a public sewer. It goes on to recognise that there may be circumstances where this may not be possible for technical or economic reasons. In such exceptional situations, further consideration will have to be given to the options for achieving satisfactory arrangements for the treatment of waste water. I therefore conclude that it is not appropriate or necessary to make the changes to the policy suggested in this representation.

Reporter's recommendations:

I recommend no modification.

Issue 67	Surface Water Drainage	
Development plan reference:	Policy 67 (para. 21.19, Page 113)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
Brenda Herrick (5) Laid Grazings Committee (83) J G Walford (300) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Surface Water Drainage General Policy	
Planning authority's summary of the representation(s):		
<p><u>Brenda Herrick (5)</u></p> <ul style="list-style-type: none"> Supports policy but fears its introduction is too late. <p><u>Laid Grazings Committee (83)</u></p> <ul style="list-style-type: none"> Reports major problem in Laid with surface water drainage where culverts from the road deposit ever more significant quantities of waste water down people's crofts. Therefore believes policy should be applicable to roads as well as new developments. <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> Supports policy. <p><u>JG Walford (300)</u></p> <ul style="list-style-type: none"> Disputes that the aims of the policy are or will be achieved in practice because of a lack of effective ongoing maintenance of SUDS devices. Sees Scottish Water adoption and maintenance as the way to ensure this. Quotes example of recent Ardgowan development in Croy and its SUDS device. Appears to allege this has failed due to unclear maintenance responsibility and inadequate maintenance. Asserts that this is also SEPA's view. Uses this uncertainty and alleged failure to cast doubt on how effective the proposed mitigation for the adjoining allocation will be (detail within Croy Schedule). 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Policy 67 should be made applicable to existing road drainage as well as to proposed development (83). Policy 67 should set out how SUDS devices will be maintained effectively and in perpetuity (assumed) (300). 		
Summary of responses (including reasons) by planning authority:		
<p><u>Brenda Herrick (5) & SEPA (326)</u></p> <ul style="list-style-type: none"> Support noted. <p><u>Laid Grazings Committee (83)</u></p> <ul style="list-style-type: none"> This representation concerns the alleged inadequacy of existing roads drainage infrastructure on the A838 through the Laid crofting community at Loch Eriboll. Given that almost all development is on the low side of the road the representor's concerns are likely to relate to overflowing surface water rather than foul water. Although the concerns are genuine they are not relevant to this Plan. No development proposed in the Plan will be affected by this alleged 		

deficiency or its resolution. However, the concerns have been passed to the Council's relevant officer for consideration.

J.G Walford (300)

- Scottish Water has not objected to the policy and SEPA has confirmed positive support.
- The specific Ardgowan, Croy development Committee report (Item 2.7) records that SEPA noted the specific arrangements for that development as acceptable and appropriate. Conditions 6 and 7 of the subsequent permission required applicant (contractor) maintenance of the SUDS area and open space.
- Although Mr Walford may be correct in saying that Scottish Water specification SUDS devices and maintenance of all non roads drainage areas may be the optimum solution within a development, it is not for a (strategic) development plan to specify specific maintenance responsibilities. To prescribe detailed arrangements for the whole of Highland when there is no cross agency agreement on this issue would be inappropriate. The Council hopes to produce future supplementary guidance on Planning for Managing Floods and this may be a more suitable way to address this detailed issue.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. Representation 83 wishes Policy 67 to apply to existing road drainage. I find that Policy 67 is directed to proposed developments and can be implemented by imposition of conditions on planning permissions. I am not aware of a mechanism in the planning system that would enable the policy to be applied to developments that already exist, such as existing roads. In the absence of such a mechanism, I see no point in altering the policy as sought in the representation.

2. The essence of representation 300 is that there is a need to ensure that drainage schemes are properly maintained. I note that Policy 67 refers only to the design of drainage schemes: it does not refer to subsequent maintenance. *Scottish Planning Policy* (paragraph 209) refers to sustainable urban drainage systems. It includes the following.

Planning permission should not be granted unless the proposed arrangements for surface water drainage are adequate and appropriate long-term maintenance arrangements will be in place.

3. I find that ensuring ongoing maintenance is as important as ensuring suitable design. My conclusion is that Policy 67 should include reference to maintenance.

Reporter's recommendation:

I recommend the following modification:

Add the following paragraph to Policy 67:

Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

Issue 68	Renewable Energy Developments	
Development plan reference:	Policy 68 (para. 22.2, Pages 115)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coriolis Energy LLP (1) The Mountaineering Council of Scotland (MCS) (2) Brenda Herrick (5), Royal Society for the Protection of Birds Scotland (RSPB) (78) Laid Grazings Committee (83) Kingussie & Vicinity Community Council (93) Scottish Natural Heritage (SNH) (118) Angus McNicol for the Trustees of the Cawdor Marriage Settlement Trust (124) Elizabeth Budge (148) Terence O'Rourke Ltd (Renewable energy client-base) (164) Professor Per Bullough (167) Highlands & Islands Green Party (HIGP) (533) Scottish Council for Development and Industry (SCDI) (180) Stop Highland Windfarms Campaign (213) John Waring (250) Eveline Waring (253) Nigg & Shandwick Community Council (254) Caithness Windfarm Information Forum (261) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Scottish Renewables (270) Caithness Chamber of Commerce (274) Sportscotland (320) Scottish Environment Protection Agency (SEPA) (326)</p>	<p>Denise Brown (401) Moray Council (403) Dundas & Wilson for Druim Ba Sustainable Energy Ltd (412) Graham & Sibbald for Reay Forest Estate (413) Graham & Sibbald for Kim Fraser (414) SLR for RWE Npower Renewables Limited (419) Graham & Sibbald for Strathbran Estate (428) The Dowager Countess Cawdor (434) Thurso & Wick Trade Union Council (437) RES Ltd (442) CASA Planning and Environment Ltd for Cube Engineering (449) Jones Lang LaSalle for Spittal Hill Windfarms Ltd (450) Lochaber Partnership (452) M Gilvray (453) Jones Lang LaSalle for PI Renewables (454) Jones Lang LaSalle (via Biggart Baillie LLP) for Nanclach Ltd (457) Jones Lang LaSalle for Wind Energy Glenmorie Ltd (462) Strutt & Parker LLP for AWG Laing (480) Strutt & Parker LLP for General & Mrs Balfour (481) Friends of the Earth Scotland (486) Highland Film Commission (491) Graham & Sibbald for Pitmain Estate (494)</p>	
Provision of the development plan to which the issue relates:	Renewable Energy Developments General Policy	
Planning authority's summary of the representation(s):		
<p><u>Renewable Energy Technologies</u> Welcome recognition of the opportunities available from marine and offshore renewable energy. Request the inclusion in the revised Plan of a more specific commitment to produce Supplementary Guidance specific to marine energy and its onshore economic impacts, as this will significantly help to develop onshore infrastructure. (274, 437)</p> <p>Question the continued appearance in the Plan of a site at Murkle Bay – since the 1970's this site has been identified in connection with potential oil and gas industry opportunities. The Forss site is now a Business Park. Supplementary Guidance might be a useful way of updating these apparent anomalies. (437)</p> <p>SEPA support the Plan approach to see waste as a resource and as a source of energy and heat production as part of the overall strategy to reduce waste and increase recycling. SEPA recommend</p>		

that reference is made to SEPA's Thermal Treatment of Waste Guidelines 2009 as this is a material planning consideration and requires proposals for Energy from Waste facilities (which are included under the HwLDP terminology for Renewable Energy Development) to provide specific information. (326)

The issue of wind farms less than 20MW in capacity has not been adequately dealt with – even a 20MW wind farm is an enormous installation to have in any environmentally sensitive landscape. These developments should not be viewed as being small and 20MW is too high a threshold for protected areas. (167)

Supports the Council's support for and definition of micro-regeneration, but a policy is required to deal with the imminent wave of applications for wind turbines fostered by the introduction of Feed-in Tariffs. A proliferation of such devices has the potential to create landscape disharmony. (213)

The map on p.13 shows a line right along the north coast of 'Potential Offshore Energy – Laid Grazings Committee have no problem with this as long as it is over the horizon and out of sight or under the sea. Anything visible or on land must be approached with the very greatest sensitivity and Laid Grazings Committee would not support this. (83)

The Sustainable Development & Climate Change policy section presents an understanding of the different range and scale of renewable energy technologies that are helping to shift society towards a low carbon framework. It recognises the huge opportunities that exist for the Highland area and for its communities to benefit in a number of ways environmentally, economically and socially by embracing and supporting renewable energy development, be it a large scheme or micro-generation. (1)

Grid Issues

With respect to the electricity network (referred in within paragraph 22.1.2) it is recommended that the LDP also recognises that transmission and distribution network upgrades will also be required to the west and north, in addition to the south and east as referred to within the LDP. (268)

The report Our Electricity Transmission Network: A Vision for 2020 by the Electricity Networks Strategy Group identifies a possible HVDC cable between Mybster, Caithness and the Blackhillock in Moray, and SCDI would suggest that the spatial strategy might also include this reinforcement. (180)

The Lochaber Partnership would wish to see new Actions included in the Programme. Highland Council and others must work to achieve the upgrade of mainland power lines to allow these renewable energy developments to progress as well as a west and east coast subsea inter-connector. (452)

Community Benefit and Economic Effects

In relation to 22.1.6 The Highland Council's Position on Renewable Energy Developments and 'Community Benefit' and also related text 22.1.7, support the Council in seeking benefits from renewable energy developments, however oppose the local authority entering into prescribed arrangements which removes benefits and decisions from local community level. Benefits that can be derived from windfarms have limitations and the preparation of a report on potential economic spin-offs which would duplicate assessments that form part of the EIA for all Schedule 2 developments. The section on community benefits further refers to "economic spin offs for local business" and states that matters arising from proposals will be a material consideration "when the Council determines the application"; this position is not consistent with national planning policy and advice. (268, 442, 450, 457, 462)

It should be noted that any community benefit delivered through renewable energy projects, secured through the planning process (para. 22.1.7), will require to be intrinsically linked to the effects of the development and proportionate to them (see Circular 1/2010 'Planning Agreements'). It should be recognised that any benefits proposed that cannot be considered intrinsically linked to the effects of the development or proportionate to it, would be at the discretion of the developer and would be

agreed directly with community representatives rather than THC. It is generally welcomed that the policy refers to the contribution that proposed developments would make towards meeting renewable energy generation targets as a primary policy consideration. The same applies with respect to the benefits or otherwise a proposal may have on the local or national economy. (268)

Concern with the statement in paragraph 22.1.6 in relation to community benefits. There appears to be no relationship between the benefits proposed and the communities within the area of a development in the way identified within Scottish Planning Policy ('SPP') paragraphs 186 and 234. The HWLDP is therefore inconsistent with SPP in this regard and therefore object to this part of the HWLDP. (124)

The section on community benefit is ambiguous (22.1.7). More clarity required on how direct & indirect economic & social benefits will be assessed within planning application process. Should also distinguish between financial benefits secured under planning agreements and those that are not. Should clarify where Council has role in negotiations and how this relates to decision-making responsibilities. Foregoing should clarify what are considered material considerations. Standard practice is for economic benefits to be reported in environmental statement, so it is unclear as to why an additional document has to be agreed with the Council prior to submission. (164)

Paragraph 22.1.7 should make clearer the treatment of economic and social benefits arising from the renewable energy development and indirect benefits and how this relates to the planning decision. (270)

The statement regarding community benefit has no basis in national policy or advice and has no relationship with planning therefore should be removed from the plan. (454)

Highland Council should pursue a planning policy, similar to that for affordable housing, where a planning permission is granted for e.g. 5 turbines, then the community automatically receives the profit from one of them. Otherwise the potential for real community benefit will remain unrealised. (452)

Support for bullet point 2 of policy with respect to the benefits or otherwise of renewable energy developments on the economy subject to the removal of requirement for economic benefit spin off reports. (450, 454, 457, 462)

Text should be added to ensure that community benefits are ring fenced for investment in the community council area in which the renewable energy development is situated in order to ensure compliance with SPP and it would make the Plan effective and implementable. (480, 481)

It is unclear from the Highland Council's position on 'Community Benefit' in the Proposed Plan whether it is seeking to create, through planning, a new Highland-wide mechanism which replaces or supplements existing discretionary community agreements. If so, SCDI believes that this proposal should be subject to specific consultation with developers and communities, taking into consideration policies resulting from the Scottish Government's consultation. It is vital that any mechanism to benefit the local community and contribute to the Highlands' well-being, does not disincentivise investment or make it harder to achieve green energy targets. (180)

In 22.1.7 Highland Council sets out its position on Renewable Energy Developments and 'Community Benefit'. It stipulates that, *'the Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests'*. Coriolis support this policy statement and look forward to working with the Council on projects that can deliver tangible benefits to the host communities of renewable energy developments. Do not support any policy which allows community benefit funds to be used for any form of services or infrastructure that is not connected to host communities and/or local energy and environmental projects. Similarly, in 22.1.7 it sets out that the, *'information on the scale and nature of any potential economic spin-offs for local businesses, employment opportunities, etc. arising from the proposals will be a material consideration when the Council determines the application.'* Coriolis support this policy stance and the suggestion that a report providing such information should be

agreed with the planning authority before determination of the planning application. (1)

Fully support the Council's stance on renewable energy and community benefit (22.1.6 – 22.1.7), and also renewable energy development proposals in general. (93)

With regard to the Council's Position on Renewable Energy Developments and Community Benefit (para. 22.1.7), the MCS greatly welcomes this separation of "community benefit arrangements" and the "planning application decision process." On a number of Environmental Statements (ES) MCS have observed either details of these "benefits," or references to them, and consider this inappropriate. The ES is a document on which to make planning decisions based on impact. They should not be used as documents of persuasion. (2)

Policy Stance

The Proposed Plan policy reflects changes in national policy guidance and targets but further policy modifications are required. The expansion of renewable energy technologies across Scotland is necessary in order to sustain the Scottish Governments' efforts to tackle climate change. The Highland wide LDP needs to ensure that its policy structure is aligned to the key aims of the National Planning Framework. The LDP must provide a positive policy framework for renewable energy developments in order to facilitate sustainable economic growth of the Highlands. This is required not only in the context of national planning guidance but also in the context of the Council's duties and obligations under the Climate Change (Scotland) Act 2009. The LDP in its final format should set out within the 'Introduction and Context' that it is a legal requirement to implement the policies of the Climate Change (Scotland) Act 2009 within the Highland wide LDP. (1)

The most significant threat to the environment is climate change and one of the key ways to tackle climate change is to expand renewable energy generation in order to decrease the rate at which toxic gases, released through fossil fuel power generation, into the atmosphere. The LDP must embrace this statement within the Highland vision. The Highlands of Scotland has some of the best onshore wind speeds in Europe and this must be recognised by LDP policy. (1)

Paragraph 184, Policy 68 amended to reflect the vision within the HWLDP and SPP, to state that the Highland Council will both encourage and support the development of renewable energy. (124)

Generally supportive of the proposed plan, although more positive wording in respect of the benefits (for Highland communities and towards inter/national targets/obligations) of onshore renewables such as wind farms should be included. (164)

SCDI welcomes the identification of renewable energy as a key sector in the Council's support for a Competitive, Sustainable and Adaptable Highland Economy. The statement that it will produce "clear guidance on where renewable energy developments should and should not be located" is also welcome and consistent with Scottish Planning Policy on spatial frameworks. This positive encouragement for the development of both mature and newer renewable energy technologies should also be clearly stated in Policy 68. (180)

Support the aim of the plan but needs more positive wording in respect of the benefits renewables can bring to Highland, especially regarding the contribution that Highland can make to Scotland's targets. (270)

Would wish to see more positive support from this policy for green energy production. (434)

Policy 68 should more explicitly reflect the content of the vision para. 4.2.1 Bullet 1 "ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located" and reference in para. 4.2.2 to "encourage" and "create" energy development opportunities. (450, 457, 462)

Support bullet point 1 in the policy but should be consistent with vision to say the Council encourage and support the development of a wide range of renewable energy technologies. (450, 454, 457, 462)

Object to the proposed policy and supporting text. Concerned that Supplementary Guidance will be key determinant for future applications without the SG being subject to PLI and hence Policy 68 needs more balanced approach. Feel that the supporting text to the policy appears as a very “pro-development” statement, it is felt that a greater degree of balance should be introduced to reflect the need to protect key landscapes and natural heritage interests from the adverse effects of commercial scale windfarms. This would offer a better reflection of the provisions of the new SPP and the decision making process. (413, 414, 428, 494)

Question the notion that the climate change mitigation effects of windfarm in the Highlands will far outweigh any damage to landscape and environmentally sensitive areas. This is absurd – climate change is a global phenomenon not a local one. Any emissions savings locally within the Highlands will be so diluted on a global scale that they will lead to no measurable decrease in global greenhouse gas concentrations. On this basis there can be no justification for harming Highland’s sensitive landscapes through inappropriate wind installations of anything greater than a few kW in capacity, especially in its few remaining wild land areas. (167)

Further onshore windfarm development will not equate to the erosion of the natural environment in terms of ecology and landscape. Huge parts of the Highland landscape are protected by international and national legislation and Coriolis has steered away from these sensitive areas. Equally, the expansion of onshore windfarms across the Highland area does not mean that tourism will be negatively impacted on. Over the past few years visitor numbers to the Highland area have steadily increased (Visit Scotland figures, Glasgow Herald Press Release, 30th July 2010) and this is with a number of onshore windfarm developments already in situ. The visual impact of onshore windfarm development is perhaps the biggest issue raised by objectors but changes in landscape and views are required in order to meet national energy targets and fight climate change. The introduction of windfarms into the landscape is an emotive and subjective issue. The LDP must recognise that in Scotland a recent resident survey concluded that the vast majority of people (78%) support the expansion of onshore windfarm development across the country (YouGov poll, Scottish Renewables, October 2010). (1)

Welcome the recognition of the benefits of renewable energy however this policy implies that the Council’s decision will be based solely on the environmental impacts of the development – does not require any balancing act to be carried out in weighing the benefits against the environmental effects. (449)

The Highlands have some of the most compelling, best-known natural and cultural tourism assets in the world. These must be considered when the Council assesses individual applications and cumulative impacts in an area. (180)

Prime consideration to the siting of onshore wind farms should be:

- the visual effect they have on the area
- the proximity to housing (no house within 2km)
- the likely effect on the health and well-being of those living nearby
- the likely effect on the wildlife of the areas or those passing through
- the likely effect on tourism and heritage
- the response of the community

If any of these are negative the wind farm should be rejected and the land designated so that no other wind farm applications are allowed in the future. (250, 253)

This does not fully reflect the statement in Highland renewable energy strategy May 2006 that *‘in principle, energy production should be as close as possible to energy demand’*. Priorities for renewables should be based on where/how power can be efficiently delivered nationally with the lowest Carbon Footprint. (453)

Renewable energy projects need to be considered on a case by case basis and considered through planning application assessment. Coriolis Energy wishes to emphasise that onshore windfarm proposals should be determined on site specific assessments to establish the appropriate development that can be accommodated in a specific area. The spatial strategy for renewable

energy developments within the LDP needs to be in line with the, soon to be, updated Highland Council Supplementary Guidance (SG) for onshore wind development. Within the SG document 'broad areas of search' for onshore windfarm development need to be identified in partnership with development companies and local communities. Highland Council needs to understand the technical constraints faced by developers and appreciate the different preferences of individual communities. Coriolis finds that, though required by SPP, the detailed identification of 'broad areas of search' is not necessarily the best policy structure for regulating renewable energy development and feel that Highland Council should focus on detailing the exact areas where development will not be supported. Support the commitment by the Council to renew their SG for onshore wind energy development. This policy guidance must correlate with the national guidance as detailed within SPP and PAN 45 Annex 2. It should not be ambiguous or leave the reader unclear as to the meaning and direction of policy. In line with SPP guidance it should set out to '*optimise renewable energy potential*'. SPP details, in paragraph 187, that '*planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed*'. It is clear that the Council SG for Onshore Wind Energy will, '*seek to steer proposals, especially those for larger windfarms, away from the most constrained areas*', as set out in SPP. The Council must concentrate on clearly identifying the areas that will be afforded protection in terms of landscape, ecology and community amenity. The LDP and SG will set out the areas of the Highlands that require protection in terms of landscape, ecology, community amenity and cumulative impact. Once these issues are taken on board by developers in site assessment, along with the key investment issues of grid connection and accessibility it will prove very difficult to progress forward development opportunities if the SG is unresponsive to project specific identification and assessment. In areas which are not afforded significant protection or identified as a 'broad area of search' wind energy proposals should be considered on their individual merits and not constrained by spatial policy. LDP and SG policy should not set out to be prescriptive in terms of identifying suitable areas for onshore windfarm development. All onshore windfarm developments of scale require detailed environmental impact assessment to clarify whether the site is suitable in ecological, ornithological, hydrological, geological terms, etc. Highland Council or council appointed consultant 'desk-top' studies are not a suitable alternative for determining appropriate sites for onshore wind energy development. Wind energy developments should be assessed against criteria based policy that refers to the requirements of site specific EIA. Coriolis support the policy stance of 22.1.4 where it sets out that the SG will specify the criteria and information which will be assessed as part of determination of onshore wind projects, irrespective of size, in order that individual proposals are considered on their individual merits. (1)

Recent national policy updates, and the recognition that onshore wind can play a significant part in helping Scotland reduce carbon emissions and reliance on fossil fuel power generation, means that local authorities will need to consider additional locations for wind farm development within LDPs. Good access provision and grid connections mean that onshore windfarm sites are more likely to be built within the Inner Moray Firth than other sensitive parts of the Highlands. Further development of appropriately sited windfarms within the Inner Moray Firth corridor will help Highland Council secure the vision for this particular area by contributing to a stronger economic framework and job creation. (1)

With regard to any other material considerations it should be noted that these can also be positive considerations not simply limited to constraints and should include recognition of enabling material considerations. Suggest that this should include recognition of the potential for favourable and compatible energy development clusters. It is our opinion that without this amendment, policy 68 will not fully conform to SPP with regard to Sustainable Economic Growth, particularly in relation to paragraph 33 of SPP. (449)

Fully support the Council's stance on renewable energy and community benefit (22.1.6 – 22.1.7), and also renewable energy development proposals in general. (93)

The Highland Council propose to prepare supplementary guidance on Onshore Wind Energy. The Moray Council welcomes consultation on this document to ensure that guidance for onshore wind energy developments is consistent. The Moray Council supports the Highland Council's policy for renewable energy developments, particularly 'community-based' developments, and would welcome

consultation on the forthcoming supplementary guidance for onshore wind energy to ensure that areas which the Moray Council identifies as suitable for onshore windfarms complements the Highland Council's strategy. It is also suggested that the possibilities for supplementary planning guidance on offshore renewables, specifically windfarms, is investigated. (403)

Sadly individual and community residential amenity is frequently ignored in the rush to build windfarms. Do not see how 22.1.1 can be reconciled with earlier statements on safeguarding amenity, nature, culture etc. The two are incompatible. (5)

Welcomes the Council's continuing commitment to renewable energy developments. (412)

Caithness Windfarm Information Forum welcomes the Highland Council's general approach to onshore wind farm and endorses Stop Highland Windfarms Campaign's submission to the consultation in which CWIF collaborated. (261)

In response to the Main Issues Report SportsScotland's main policy interests were commented upon and suggestions put forward to ensure that sporting interests are considered within the Local Development Plan, each were commented upon during the Main Issues Report consultation and have been considered within the Local Development Plan. Overall SportsScotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)

With reference to the Council's summary of representations on the earlier Main Issues Report (MIR) and the Council response:

- onshore wind is not making a huge contribution to renewable energy production and onshore windfarms should be actively discouraged;
- certain areas require significant protection e.g. due to cumulative impacts;
- the people living in the areas of significant protection should have the final say on whether renewable energy should be developed in their area;
- timely, open and accountable consultation with local communities is important;
- pleased to note that the incorrect depiction of the status of the Nigg Hill wind farm proposal in the MIR has been recognised. (148)

It is felt that although the Council mention a lot of considerations to be taken into account, there is the opportunity for the developer to overcome all this. Know the Scottish Government is in favour of wind turbines, but surely if the developer goes against the proposed Development Plans together with the majority of a community against an application then the developer should be refused permission to go ahead without the need to take it to the Planning Committee, which is made up of Councillors who are gagged during the whole consultation process. It seems the detrimental effects and the communities concerns are easily ignored especially if the developer offers monetary benefits. (254)

Clarity

Should define the terms which were designed to protect amenity and natural heritage so that elected Members have clear guidance on what "significant" and "cumulative" mean and thereby what impact they judge to be reasonable for a community to accept or a landscape to be devalued by. (213)

In particular, CWIF urges that Members have clear Guidelines on the application of terminology when determining wind farm applications. The Baillie Windfarm Reporter acknowledged that there would be significant detrimental effect on amenity but ruled that generation targets took precedence. The Stroupster Windfarm reporter acknowledged that significant detrimental impact would be suffered by many people but, as he judged that it would not be "overbearing", he allowed the appeal. (261)

The policy lists a number of environmental receptors that it identifies will be considered in determining whether a development proposal can be found to be acceptable. There are a number of environmental receptors listed that are referred to in unclear terms that require further clarification or amendment. (268)

Although the policy lists relevant issues, it does not contain any tests or criteria to allow an Environmental Statement (ES) to be reviewed so that the Council's likely position on a windfarm could be objectively established. Raises questions as to how an application would fail – would it be on all issues, on half or just one? How are marginal failures to be addressed? Are all issues equal weight, or would a gross failure on one cause application to fail? How are attributes of wildness, remoteness, overlapping and local landscape designations near/on site fitted into the assessment? How is ecological potential of land to be assessed? The Council should consider publishing a pre-examination modification to fully set out the detail of the criteria and the tests so that all parties can properly assess matters for themselves. (413, 428)

The policy text should make clear that it applies to S36 applications as well as planning applications. (413, 414, 494, 428)

The proposed policy while raising most key issues it does not provide a transparent base for subsequent decision making. This may be clearer in the detail of the new version of HRES, however given there is no statutory right to PLI related rights for SPG there needs to be more detail in the "parent" policy. (414, 494, 428)

Surprised no reference to planning hierarchy/different procedures for local and major applications; no reference to spatial planning obligations which follow through into the Onshore Wind Energy SG; no mention of Council's approach to S36 consultation responses. (164)

The MCS welcomes the vision of renewable energy being managed through clear guidance on where developments should and should not be located and promotes front-loading decisions. Concerned that current guidance does not deliver clear guidance through the use of imprecise indications of places are preferred or less preferred, rather than where they may or may not be located. (2)

Targets and the Economy

In the policy itself, the two bullet points in the introductory paragraph regarding targets and the local/national economy is effectively meaningless in terms of setting out tests. Such aspects can also allow Reporters and Ministers to overrule any significant adverse effects and non-compliance with the LDP on the basis that schemes make a significant contribution to targets or benefit the economy. National Renewables Targets have not been subject to SEA and therefore should not have LDP policy status, as they strike at heart of the transparent, democratic planning system. The text should be deleted or significantly altered in line with the SPP. (413, 414, 428, 494)

The Council should not be considering the contribution of the development as a measure of acceptability. The government is clear that there are targets and not caps; it is also clear that every little helps and should be considered valuable. (419)

The Plan sets out the over-arching spatial planning policy for the entire Highland Council area and in this context it is vital that it correlates with the Highland Council's Single Outcome Agreement (SOA), to which it is 'corporately committed'. Of significant relevance to the final format of the LDP is the fact that in 2009 when the SOA was produced the installed capacity of renewables in the Highland Council area was 800MW, of which 100MW was attributed to Glendoe. Glendoe has not come on stream due to technical problems and is scheduled to start producing hydro-electricity in 2012. This leaves Highland Council somewhere in the region of 500-600MW short of achieving the target of 1,280MW of installed capacity by 2010. While some additional capacity has come on-stream during 2009/2010 Highland Council still falls significantly short of its own renewable energy target and this needs to be reflected in the policy framework for both the LDP and the Council's Onshore Wind Energy Spatial Strategy, due to be issued as a consultative draft in 2011. Coriolis supports the statement in 22.1.1 that, '*the Highland area has great potential for renewable energy production and to contribute towards meeting ambitious targets set internationally, nationally and regionally*'. Also support the proposals in 22.2.1 that the Council will consider the contribution of the proposed development towards meeting renewable energy generation targets and that the Council will take on board any mitigation proposed as part of development when considering the impact of the proposals. (1)

At the forefront of our concerns are the requirements under UK and Scottish policy to increase the proportion of energy provision to be met by renewable sources. Have major concerns the HwLDP does not make sufficient and adequate provision to support meeting these ambitious national targets (in NPF2). (449)

It is generally welcomed that the policy refers to the contribution that proposed developments would make towards meeting renewable energy generation targets as a primary policy consideration. The same applies with respect to the benefits or otherwise a proposal may have on the local or national economy. (268)

Materiality and Weight of HRES and Supplementary Guidance

The 2006 guidance set out a sequential approach to the development of sites for onshore windfarm development in the Highlands. This planning policy guidance does not comply with SPP and for that reason reference to the existing Highland Renewable Energy Strategy (HRES) should only be used where it does not propose conflict with national planning policy. In the case of the Highland Council Baillie Wind Farm Appeal the reporter found, to which Highland Council subsequently agreed, that the policy guidance within the HRES was inconsistent with national planning policy. (1)

The plan should be clearer about the status/relationship of the Highland Renewable Energy Strategy with the local plan (and with emerging onshore renewables SPG). Proposed plan gives HRES a greater status (as a non-statutory document) than the SG when considering renewable energy development proposals. (164)

Placing such a reliance on SG which undergoes less rigorous examination and consultation unacceptably weakens the plan. (270)

The LDP should be clearer about the relationship both with the existing renewable energy strategy and the emerging onshore wind energy supplementary guidance. (270).

Paragraph 22.1.3 – The status between 2006 HRES, SPP and the draft Supplementary Guidance on Onshore Wind Energy is not clear and it should be clarified how these documents will be used in planning decisions. (412)

HRES is not in line with national policy in terms of its wind energy section therefore objection is made to its reference. (454)

The Policy should state “Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider: the contribution of the proposed development towards meeting renewable energy generation targets; and any positive or negative effects it is likely to have on the local and national economy; and will assess proposals against 1) other relevant policies of the Development Plan, including any relevant supplementary guidance adopted by the Council and where appropriate, the adopted On Shore Wind Energy Supplementary Guidance and 2) any other material considerations including the Highland Renewable Energy Strategy and Planning Guidelines”. This drafting distinguishes between documents with development plan status and other material considerations not having that status. (412)

CWIF strongly recommends that Guidance for Onshore Wind Energy forms a statutory element of the Highland-wide Development Plan rather than Supplementary Guidance to ensure that it can stand scrutiny at Public Inquiries and is not eroded in the way The Highland Renewable Energy Strategy was. (261)

The supplementary guidance must be made statutory so it can withstand scrutiny and enable the Council to reject unsuitable proposals and successfully defends its position at Appeal. (401)

References of HRES are acknowledged given it is recognised that parts of HRES fail to comply with Government guidance and that these parts deleted and replaced with new Onshore Wind SPG. Reserve position until revised content is made clear and will respond to the forthcoming

consultation. (268, 450, 457, 462)

The fact that the Onshore Wind Energy Supplementary Guidance and the Assessment and Landscape Sensitivity to Wind Turbine Development in the Highlands are not yet available is a major concern. (449)

The Highland Renewable Energy Strategy has a workable method but has a number of consented decisions in the areas mapped as “presumption against development”. The HRES went through an external consultation; hence if the Onshore Wind Energy Supplementary Guidance is to replace parts of it, then the new guidance must also go through an external consultation process. Additionally, MCS would anticipate a strong interaction with the wild areas mapping work that will form part of another supplementary guidance document. Together the number of wind development applications, the importance of wild places in SPP and NPF2 and the current lack of proper mapping indicates that the detailed guidance for these two topics should be an integral part of the development plan. The time sequence may not permit this in this version of the development plan, but MCS would expect this information to be within the development plan in future and this supplementary guidance consulted upon. (2)

Significant Detriment

The reference to “significantly detrimental” in Policy 68 is imprecise, unclear and overly restrictive and should be replaced with “unacceptable impact”, which would be consistent with Policy 58 and would allow for more balanced consideration. (180, 268, 434, 450, 454, 457, 462)

In respect of the introduction of the criteria for consideration in the assessment of a renewable energy development it is submitted that the word detrimental should be replaced with significant negative. (419)

The words ‘significantly detrimental’ should be removed from the policy as they are ambiguous. Whether impacts, taken in the round with positive factors, are unacceptable or not is the important factor. The phrase should therefore be replaced with the words ‘have an unacceptable net impact’. (124)

Species, Habitats and Nature Conservation Sites

A consolidated approach between HC, RSPB and SNH is required to protect the bird species of the Caithness Lochs SPA. Currently RSPB and SNH have opposing views on the effects of windfarms on these species. (401)

Where an Appropriate Assessment is required, it should be based on data from a truly independent survey and assessment process and not developers’ data. (401)

Public Health and Safety

Policy requires applicants to have regard to effects on public health and safety. Clarification is sought over why public health and safety is a material consideration when noise, shadow flicker, ice throw, etc. already covered in the policy. (164, 268, 270)

It is submitted that public health and safety is not an issue that should be included in the assessment of the acceptability of a proposed renewable energy development. It is planning principle that decisions should be made on planning matters. Public health and safety matters should be more properly achieved under other legislation or guidance. The same type of criteria is not applicable for other developments where health and safety is an important concern (e.g. industrial development). It is not clear why renewables should be a special case. (419, 450, 454, 457, 462)

Landscape and Visual Impacts

Would contend that in respect of bullet point 4 that no individual wind farm would have significant impact on a Highland scale. Refer instead to the effects on the landscape of both the site and the area assessed in the ZTV studies, and address interaction between visual impact and landscape assessment, including the use of viewpoints as part of the landscape assessment as well as visual impact assessment. Issues do not describe tests or criteria where an opinion of the Council’s likely

view can be formed. (413, 414, 428, 494)

Wording should be clarified to ensure effects on local landscape character are taken into account. (118)

The criteria framework against which wind energy proposals will be assessed should steer away from making conclusions on height and turbine size limits and should instead identify that Landscape and Visual Impact Assessment (LVIA) is required for wind energy proposals above certain thresholds. (1)

Policy 68 states as follows: "... the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental, either individually or *cumulatively* with other developments (see Glossary), having regard in particular to any significant effects on the following: ...

- visual impact, and impact on the *landscape character* of the Highlands (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations)".

The two sections of this statement, introductory and bullet point, do not follow from each other. The first states essentially that the council will support proposals that will not be significantly detrimental to the list that follows, including visual impact and landscape character. The bullet point is presented as part of a list of potential effects, but refers to seeking to minimise impacts. The other items on the bullet point list are simple listings of effects to be taken into consideration. The reference to minimising impact is therefore confusing in this context, and should be removed, as it is not a potential impact, and decisions on proposals should not be swayed by whether the proposal has minimised impacts but whether the residual impacts are acceptable or not. The MCS objects to the level of effort to minimise impacts being considered in planning decisions purportedly based on the social, economic and environmental impacts. (2)

It is recognised that the forthcoming SG aims to rectify concerns regarding the level of accordance Highland Council planning policy has with SPP on matters of landscape however this guidance will not be adopted until Spring 2011. In this respect the Plan should clearly identify the interim guidance relevant to matters of landscape importance for wind farm developments. Feel this is a highly significant omission without clarification given that relevant current proposals cannot consider the previous, highly criticised, Highland Renewable Energy Strategy (2006) as a basis for guidance. This is supported by precedence set in previous cases e.g. the wind farm application at Bardnaheigh Farm, Westfield (ref IEC/3/105/3) that found the strategy did not form a statutory consideration. (449)

Development pressure on the Georgemas to Wick corridor is a good example of the erosion of "cumulative impact" as a reason for protection of landscape. (261)

Safety and Amenity

No objection to the inclusion of the safety and amenity of any regularly occupied buildings and the grounds that they occupy within the criteria for consideration of renewable energy development. It is RWL NRL's view that shadow flicker is a standard subject to be addressed in the consideration of an application for windfarms. The consideration of the issues has clearly defined parameters which should be used for assessment. It is not clear how the issue of shadow throw should be addressed. This should either be made clear in the supporting text or the reference should be removed. (419)

Community Amenity

The 7th bullet point the term "community amenity" is referred to as an assessment criterion this term is not referred to in national policy or guidance and introduces uncertainty with regard to its meaning in determination. Request this term is defined within the glossary and would suggest the use of "residential amenity" or "amenity". (268, 450, 454, 457, 462)

In respect of community amenity at sensitive locations it is submitted that the criteria should refer to key visitor sites or attractions rather than recognised visitor sites. (419)

Core Paths and Other Established Public Accesses

The inclusion of the amenity of users of any core path or other established public access for walking, cycling or horse riding is understandable but should be quantified. It should be clear that it refers to a formal public access. The word relevant should be included between any and core so that a reasonable application of the criteria is used. (419)

With respect to the amenity of users of core paths and other established public routes for walking, cycling or horse riding, it would be appropriate for the policy to note that in some circumstances it would be possible for development proposals to include route diversions to such core paths or established walking, cycling or horse riding routes. While it is recognised that each core path or route diversion would require to be considered on the basis of the merits of each case, it would be appropriate to refer to this as a potential option to address potential amenity impacts associated with users of such routes. (268)

The amenity of users of core paths or other established locations of public access should be removed from the criteria to which the Council are to have regard in Policy 68. This does not identify the degree of usage which is material or the nature of the effect. It would be inappropriate and inconsistent with SPP Paragraph 187, for example, to refuse consent for a wind farm on the basis that a significant effect may occur to a small number of recreational users of a certain path. (124)

Film Industry

Policy requires applicants to have regard to effects on film industry interests. How is an applicant to identify future film interests and why without formal protection should these be given any significance in planning terms? While recognised there will be areas of interest to the film industry it will be difficult to pinpoint what these areas are. Object to the inclusion of reference to the film industry as this is not referred to in any aspect of national policy or guidance and is considered unnecessary. (268, 270, 450, 454, 457, 462)

Reference to 'film industry interests' is vague. For example, if an area is a search area for a film production company is this relevant or does the proposal relate to areas commonly used for film production? This should be clarified. (124)

Pleased to see the requirements of the film industry as a consideration. (491)

Restoration and the Use of Conditions and Agreements

Last paragraph should make mention of conditions applying to the operation of the developments and not just its removal etc. (78)

With respect to the policy requirement for a legal agreement to be entered into to enable the development and associated equipment to be removed from the site and the site restored when the consent expires, in principle this is supported. However, it should be recognised that additional planning consents could be secured to extend the life of the project or to re-gear the renewable energy installation with new generation equipment. Accordingly, it would be appropriate for the policy to recognise that additional consents or extensions to any time limited consent period could be achieved for renewable energy installations. (268)

The MCS is aware of many ESs that present a plan for "restoration." In all cases the restoration plan is not to restore the area, but to remove some elements, cover up others and leave other significant impacts. Often, for wind farm developments, the plan will be for the turbine to be removed while the bases are left in place (sometimes re-covered with turf) and the tracks remain. Tracks have a profound impact on the landscape and visual amenity, especially in the case of wind farm tracks as they have a network pattern, are wide, well-graded to last for significant periods of time and often tens of kilometres in the case in large or remote wind farms. Hydro schemes can also have significant lengths of track associated with them. Restoration plans, conditions and S75s must plan for true restoration else they are end-of-operation partial mitigation plans. Full restoration should be required and an appropriate bond should form part of the conditions and S75 else future generations are inheriting landscapes that are impacted by infrastructure that has lost the public benefits for

which it was accepted in exchange for. (2)

Extensions

The policy refers to proposals for extensions to existing renewable energy facilities, in that they will be assessed against the same criteria as other renewable energy development proposals. It is also the case that extensions to existing renewable energy installations can be more economically viable and can also be more acceptable in broad environmental terms. The policy should recognise that in some cases there would be benefits to progressing extensions to existing renewable energy development sites. (268)

Other Issues and Considerations

The previous erroneous use of SNH's Search Areas of Wild Land (SAWL), also quoted in numerous applications, is not a sound basis for granting consent on the basis the development was not in a SAWL and therefore did not affect the wild characteristic of that particular area of Highland. The wild areas mapping work will hopefully go some way to resolving this problem. Paragraph 22.1.4 - In order to take constraints into consideration at the outset, the Council and developers will greatly benefit from the planned work on wild quality in the landscape. The Highland Renewable Energy Strategy and any updates must take into consideration the mapping work being undertaken on wild qualities as these constraints are not taken into consideration through use of existing designated sites. MCS would welcome a more proactive steering of proposals to least constrained areas, but this must include wild characteristics, not just designated sites, as this better reflects the NPF2 and SPP. (2)

Peat should be added to the list of significant effects that decisions should have regard to. (2)

Sites

Coriolis Energy has two potential windfarm sites in the Highland area and hope to be in a position to progress further opportunities through the LDP. The sites will help Highland Council meet its renewable energy targets in a way that does not adversely compromise local ecology/ornithology, community amenity or aviation. The two sites are Clach Liath, lying to the north of Dingwall, and Dell Estate located near Fort Augustus. LDP support in principle is sought for these two sites. (1)

Potential tidal schemes at Corran Narrows, Annat and Ballachulish should be included. (452)

Renewables in Developments

There appears to no mention of in any of the area sections of developers being required to include renewables in their proposals, either 'per house' or as central/community-based facilities (e.g. CHP). This policy does not really address this issue either (only its first bullet point might be relevant, then only vaguely). Regard this as a major failing (particularly coming so soon after the Housing Expo), and would be interested to hear from the Council about the scope to include statutory requirements for such provisions. (533)

Highland has the potential to export electricity. Energy efficiency is the most cost effective way of reducing financial vulnerability and climate change. See pathways calculator at <http://2050-calculator-tool.decc.gov.uk> Climate change is unpredictable. Heating should be moving partly to biomass and partly to heat pumps with a thermal store. (486)

Modifications sought by those submitting representations:

Renewable Energy Technologies

Inclusion in the Plan of a more specific commitment to produce Supplementary Guidance specific to marine energy and its onshore economic impacts. (274, 437)

Update via Supplementary Guidance the anomalies in respect of Murkle Bay and Forss sites. (437)

Alter bullet point 1 in the policy to make it consistent with vision to say the Council encourages and supports the development of a wide range of renewable energy technologies. (454)

Include reference to SEPA's Thermal Treatment of Waste Guidelines 2009 as a material planning consideration. (326)

Include a policy to deal specifically with wind farms less than 20MW in capacity including cumulative impacts. (167, 213)

Clarify what is being referred to by "potential offshore renewable energy" in Figure 1. (83)

Grid Issues

Add in recognition that transmission and distribution network upgrades will also be required to the west and north. (268)

Inclusion in the spatial strategy of the possible grid reinforcement HVDC cable between Mybster, Caithness and the Blackhillock in Moray. (180)

Inclusion of additional action in the Action Programme associated with the Plan that The Highland Council and others must work to achieve the upgrade of mainland power lines to allow renewable energy developments to progress as well as a west and east coast subsea inter-connector. (452)

Community Benefit and Economic Effects

Clarify or amend the Plan to ensure that it is consistent with national planning policy and advice with regard to which types of community benefit may be treated as a material consideration in planning decisions and which may not, and which communities are involved relative to the development. Clarify where the Council has a role in negotiations and how this relates to decision-making responsibilities. (124, 164, 268, 270, 442, 450, 457, 462)

Delete the statement regarding community benefit from the plan. (454)

Include a planning policy requiring that where a planning permission is granted for e.g. 5 turbines, then the community automatically receives the profit from one of them. (452)

Delete the requirement for economic benefit spin-off reports. (450, 454, 457, 462)

Addition of text to ensure that community benefits are ring fenced for investment in the community council area in which the renewable energy development is situated. (480, 481)

Policy Stance

Inclusion of a statement in the Plan's 'Introduction and Context' that it is a legal requirement to implement the policies of the Climate Change (Scotland) Act 2009 within the Highland wide LDP. (1)

Embrace by the Plan within the Highland vision of the threat to the environment from climate change and that one of the key ways to tackle it is to expand renewable energy generation; and recognition by Plan policy that the Highlands of Scotland has some of the best onshore wind speeds in Europe. (1)

Include more positive wording in policy 68 in respect of the benefits, for Highland communities and towards international/national targets/obligations, of developing a range of renewables including onshore wind farms, to reflect the support and encouragement given by the Council in the vision and elsewhere and by national policy. (124, 164, 180, 270, 434, 450, 454, 457, 462)

Include clear reference to the need to protect the key landscape and natural heritage assets from the adverse effects of commercial scale windfarms, to provide Policy 68 with a more balanced approach. (413, 414, 428, 494)

Ensure no harming of Highland's sensitive landscapes through inappropriate wind installations of anything greater than a few kilowatts (kW) in capacity, especially in its few remaining wild land areas. (167)

Recognition in the Plan that in Scotland a recent resident survey concluded that the vast majority of people (78%) support the expansion of onshore windfarm development across the country (YouGov poll, Scottish Renewables, October 2010). (1)

Amend to require a balancing act to be carried out in weighing the benefits of renewables development against the environmental effects. (449)

Include consideration of the Highlands having some of the most compelling, best-known natural and cultural tourism assets in the world when assessing individual applications and cumulative impacts in an area. (180)

Provide in the Plan that the prime consideration to the siting of onshore wind farms is:

- the visual effect they have on the area
- the proximity to housing (no house within 2km)
- the likely effect on the health and well-being of those living nearby
- the likely effect on the wildlife of the areas or those passing through
- the likely effect on tourism and heritage
- the response of the community

If any of these are negative the wind farm should be rejected and the land designated so that no other wind farm applications are allowed in the future. (250, 253)

Modify the Plan so that priorities for renewables are based on where/ how power can be efficiently delivered nationally with the lowest Carbon Footprint. (453)

Focus on detailing the exact areas where development will not be supported, and provision of a positive criteria-based policy framework for renewable energy developments determined on site specific assessments including Environmental Impact Assessment (EIA), rather than a focus on the detailed identification of 'broad areas of search' as a prescription of suitable areas to be identified in the LDP or Supplementary Guidance (SG). (1)

Recognition within the spatial strategy for the Inner Moray Firth area within the Plan that, in principle and subject to site specific assessment, the area can accommodate further onshore windfarm development, and further support that conclusion within Supplementary Guidance. (1)

Inclusion of the following amendment in Policy 68: "...and will assess proposals against other policies of the Development Plan, the Highland Renewable Energy Strategy & Planning Guidelines and where appropriate the On-shore Wind Energy Supplementary Guidance and have regard to any other material considerations, *including proposals able to demonstrate significant positive benefits by making effective use of existing and proposed infrastructure or facilities*". (449)

Clarity

Further clarify or amend various references in the policy to environmental receptors listed that are currently referred to in unclear terms, and define clearly the key terms and tests to be used in assessment and indicate how these come together and lead to the Council's overall position on a proposal. (213, 261, 268, 413, 428)

Publish a pre-examination modification to fully set out the detail of the criteria and the tests so that all parties can properly assess matters for themselves. (413, 414, 428)

Clarify in the Plan that policy considerations are applicable equally to planning applications and to applications under Section 36 of the Electricity Act 1989. (164, 413, 414, 494, 428)

Add in reference to the planning application hierarchy and different procedures for local and major applications. (164)

Include more detail of the policy requirements in the LDP policy itself, rather than in the forthcoming Supplementary Guidance. (164, 414, 494, 428)

Targets and the Economy

Delete or significantly alter the first 2 bullet points of the policy, regarding targets and the local/national economy, to reflect Scottish Planning Policy (SPP) and remove LDP policy status from national renewable energy targets. (413, 414, 428, 494)

Amend or remove the policy consideration regarding the contribution of the development, to reflect the fact that the Government has set targets for renewables and not caps. (419)

Reflect in the policy framework for both the LDP and the Council's forthcoming Onshore Wind Energy Supplementary Guidance that the Council is falling short of its own renewable energy target and that there needs to be sufficient and adequate provision in those documents to support meeting the ambitious national targets. (1, 449)

Materiality and Weight of HRES and Supplementary Guidance

Clarify paragraph 22.1.3 with regard to the status between the Plan, HRES, SPP and the (draft) Supplementary Guidance on Onshore Wind Energy and how these documents will be used in planning decisions; or remove reference to HRES. (1, 164, 270, 412, 454)

Reword the first part of the policy as follows: "Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider: the contribution of the proposed development towards meeting renewable energy generation targets; and any positive or negative effects it is likely to have on the local and national economy; and will assess proposals against 1) *other relevant policies of the Development Plan, including any relevant supplementary guidance adopted by the Council and where appropriate, the adopted On Shore Wind Energy Supplementary Guidance* and 2) *any other material considerations including the Highland Renewable Energy Strategy and Planning Guidelines*". (412)

Put the forthcoming Onshore Wind Energy guidance on a statutory footing to ensure that it can stand scrutiny at Public Inquiries. (261, 401)

Significant Detriment

Amend the third para. of Policy 68 from "significantly detrimental" to read "unacceptable impact" (NB. some consequential minor rewording would be necessary to fit). (180, 268, 434, 450, 454, 457, 462)

Amend the third para. of Policy 68 from "significantly detrimental" to read "significantly negative". (419)

Amend the third para. of Policy 68 from "significantly detrimental" to read "have an unacceptable net impact" (NB. some consequential minor rewording would be necessary to fit). (124)

Species, Habitats and Nature Conservation Sites

Promote in the Plan a consolidated approach between the Council, RSPB and SNH to protect the bird species of the Caithness Lochs SPA. (assumed) (401)

Public Health and Safety

Clarify why public health and safety is a material consideration when noise, shadow flicker, ice throw, etc. are already covered in the policy. (164, 268, 270)

Remove requirement from policy that renewable energy developments be assessed against public health and safety considerations. (419, 450, 454, 457, 462)

Landscape and Visual Impacts

Refer in the sixth bullet point in the policy to the effects on the landscape of both the site and the area assessed in the Zone of Theoretical Visibility (ZTV) studies, rather than refer to the effects on the landscape character of the Highlands, and address interaction between visual impact and landscape assessment, including the use of viewpoints as part of the landscape assessment as well as visual impact assessment. (413, 414, 428, 494)

Modify the sixth bullet point in the policy so it reads, “visual impact, and impact on landscape character (the design and location of the proposal...”. (118)

Steer the criteria framework against which wind energy proposals will be assessed, away from making conclusions on height and turbine size limits and instead identify that Landscape and Visual Impact Assessment (LVIA) is required for wind energy proposals above certain thresholds. (1)

Remove the reference made in the policy to “minimising landscape and visual impact”. (2)

Clearly identify in the Plan the interim guidance relevant to matters of landscape importance for wind farm developments, in advance of the forthcoming Supplementary Guidance. (449)

Safety and Amenity

Clarify in the supporting text how the issue of shadow throw should be addressed, or otherwise remove the reference to it. (419)

Community Amenity

A definition of “community amenity” should be included within the glossary- a more appropriate term would be “residential amenity” or “amenity”. (268, 450, 454, 457, 462)

The criteria for community amenity at sensitive locations should refer to key visitor sites or attractions rather than recognised visitor sites. (419)

Core Paths and Other Established Public Accesses

The amenity of users of any core path or other established public access for walking, cycling or horse riding should be quantified. It should be made clear that it refers to a formal public access. The word “relevant” should be included between “any” and “core”. (419)

Include in the policy recognition that in some circumstances it would be possible for development proposals to include route diversions to such core paths or established walking, cycling or horse riding routes. (268)

Remove from the policy the criteria regarding the amenity of users of core paths or other established locations of public access. (124)

Film Industry

Delete reference to consideration of film industry interests from policy. (268, 270, 450, 454, 457, 462)

Clarify the reference to film industry interests in the policy. (124)

Restoration and the Use of Conditions and Agreements

Include in last paragraph of policy mention of conditions also being used in respect of the operation of the developments. (78)

Include in the policy recognition that additional consents or extensions to any time limited consent period could be achieved for renewable energy installations. (268)

The policy should be clarified to indicate that full restoration will be required, not just end-of-operation partial mitigation. (2)

Extensions

Inclusion in the policy of recognition that in some cases there would be benefits to progressing extensions to existing renewable energy development sites. (268)

Other Issues and Considerations

Inclusion of wild land characteristics within a proactive steering of renewable energy proposals to least constrained areas. (2)

Add peat to the list in the policy of significant effects that decisions should have regard to. (2)

Sites

Support in principle within the Plan for windfarms at sites at Clach Liath, lying to the north of Dingwall, and Dell Estate located near Fort Augustus. (1)

Include in the Plan potential tidal schemes at Corran Narrows, Annat and Ballachulish. (452)

Renewables in Developments

Inclusion of policy requiring developers to include renewables in their proposals, either 'per house' or as central/community-based facilities (e.g. CHP). (533)

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

Representations in support of these aspects of the Plan are noted and welcomed.

As also indicated in the Council's response to representations on the Caithness & Sutherland Vision and Spatial Strategy (Issue 82), the Council is working with the Princes Foundation for the Built Environment and HIE on a North Highland Vision for marine renewables. It is focussing on the potential infrastructure and support industry requirements for this very important sector and will lead to the preparation of any necessary associated Supplementary Guidance as referred to in the final paragraph of Policy 42 Business and Industrial Land. It is not necessary to provide further amendment of the policy framework in the Plan, but it would be helpful to include reference to this work in the supporting text to Policy 68 Renewable Energy Developments and this is commended below.

Preparation of the North Highland Vision and associated Supplementary Guidance will provide opportunity to clarify any role that Murkle Bay may have in supporting the marine renewables industry, and to reflect the status of Forss. The Council therefore suggests that both sites remain referred to in this Plan under Policy 42 Business and Industrial Land without change.

Policy 68 and other general policies of the Plan, together with marine planning work being undertaken by Marine Scotland for the area, will provide a basis for assessing and coming to an opinion on marine renewables proposals themselves.

It is not necessary to add the Council's encouragement and support for a wide range of renewables further into Policy 68; it is already a positive and supportive policy as framed, and is set in the context of the [Highland Renewable Energy Strategy \(HRES\)](#) and the Vision of the Plan which recognizes the significance to the area of the energy sector and refers specifically to renewables.

In response to SEPA, paragraph 22.1.5 indicates that the Plan's Waste Management policies provide for energy (and heat) from waste. The Council does not consider it necessary to add in cross-reference to SEPA's Thermal Treatment of Waste Guidelines 2009; however, if the Reporter is minded to recommend that they are then the Council would be agreeable to the inclusion of a brief cross-reference either in paragraph 22.1.5 or paragraph 22.5.1, or alternatively the Reporter may consider that addition of a reference to the national waste management plan (of which the SEPA Guidelines are part) as referred to under Issue 71 dealing with Policy 71 Waste Management Facilities would be appropriate.

The Council is of the view that there is a sufficient policy framework in the Plan for wind energy proposals less than 20MW in capacity. The [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation covers all scales of development and within that the Council is developing any specific guidance necessary for each

scale 'category' of development, including on landscape issues.

Apart from the commended change to reference the North Highland Vision and associated Supplementary Guidance, no other changes to the Plan are necessary in response to representations on these matters.

Grid Issues

It is agreed that the Plan would usefully point out that additional infrastructure will need to be developed, for both transmission and distribution, and this is commended under Issue 70 regarding Policy 70 Electricity Transmission Infrastructure.

The Council agrees to inclusion of the proposed HVDC cable from Caithness to Moray in the map (figure 1) in the Plan. Preparation of this scheme is moving forward. This is commended within Issue 82 on the Caithness and Sutherland Vision and Spatial Strategy.

The Council is already working with others on grid issues. However, whilst the Council can assist delivery through timely advice and coordination, the Council does not deliver the grid itself and it is suggested that this will not therefore be for the Action Programme on this Plan.

Community Benefit and Economic Effects

Representations in support or otherwise of these aspects of the Plan are noted.

The Council has been undertaking a [review of the Council's corporate non-planning community benefit policy and arrangements](#). The Plan is clear that community benefit matters are dealt with separately from planning matters. Nevertheless the Plan is correctly pointing out that community benefit discussions could provide a report on economic benefits of a renewable energy proposal that could legitimately be considered as a material consideration in planning. Such a report would of course need to be checked by someone independent of the decision-making on the planning matters of the case first, to ensure that it is fit-for-purpose. The Council remains of the view that these are reasonable arrangements that would comply with national policy and advice. The submission of such a report would not be a requirement but it could be of benefit to the developer to provide such information in support of their proposal. In the section below headed "Targets and the Economy" the Council justifies its consideration of economic effects of development- that such matters are material to the planning consideration- and explains that this can be important to enable a balancing of the effects of development.

With regard to the suggestion from one representor of a planning policy requiring a proportion of profit from a commercial energy scheme to go to the community, this would not be a legitimate planning policy.

With regard to the suggestion from another that community benefits be ring-fenced, that is a matter for the discussion on [the corporate community benefit policy](#) rather than for the Plan.

No changes should be made to the Plan in response to the representations on these matters.

Policy Stance

The Council is mindful of the principle as set out in [Scottish Planning Policy](#) (paragraph 187) that wind farms should be accommodated where the technology can operate efficiently and environmental and cumulative impacts can be addressed satisfactorily. Planning authorities are expected to provide a spatial framework and suitable development plan policies associated with it. However, assessment also involves assessment of the specific effects, positive and negative, of the individual proposal. The [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation, will assist in finding opportunities to accommodate such development. The Council considers that the Plan, including Policy 68 and its supporting text, is of suitable tone in terms of its support for renewable energy and setting a framework that enables consideration and balancing of positive and negative effects of proposals. It is not appropriate or necessary to add in to the Plan indication that the Inner Moray Firth area specifically can accommodate further windfarm development; the spatial framework to be included in

the Supplementary Guidance is dealing with the identification of constraints and opportunities across Highland. Other points raised by representors have been noted. No changes to the Plan are required as a result of these matters.

On the matter of legal requirements under the Climate Change (Scotland) Act 2009, the Council has provided response under Issue 91 on Sustainable Development and Climate Change.

The Council understands the point made about opportunity for energy clusters and specifically opportunities for proposals to optimise provision and use of infrastructure, such as grid. Whilst grid constraints are not to be taken as sole reason for refusal, there are positive opportunities arising from presence of infrastructure including grid. This does fit with [Scottish Planning Policy](#) (paragraph 191), with sustainable development principles of the Plan and with reference in the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation (see paragraph 4.24). The Council considers that this would suffice. However, if the Reporter considers that the Plan requires specific reference to this matter then the Council would be agreeable to inclusion of suitable reference in Policy 68 as set out below.

Clarity

The Council considers that Policy 68 and its supporting text is clear and contains sufficient detail on these matters, subject to the changes commended below and elsewhere in its response to representations. The test of 'Significant Detriment' is discussed below and will assist those assessing proposals and making decisions. In respect of onshore wind energy development, the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation expands explanation of the considerations and how matters will be assessed. The term 'cumulatively' is already defined in the glossary of the Plan. The balance between considerations cannot be fully set out in policy and guidance as the balance point will depend on the circumstances and details of the individual proposal. It should be noted that whilst the Supplementary Guidance will identify areas for significant protection in respect of large windfarm proposals, in accordance with the principles set out in [Scottish Planning Policy](#) (particularly at the start of paragraph 187) this will not prevent applications being made in any part of Highland and needing to be considered on their merits. The Council does not consider it necessary to set out in the Plan the hierarchy of planning applications; this is available elsewhere and applies across all types of development, not just renewables. It is not necessary to mention in the Plan that Policy 68 will also be relevant to Section 36 applications; the Council does though agree with that, has mentioned it in the [draft Supplementary Guidance](#) (paragraph 2.3) and would be agreeable if the Reporter wishes to include a reference in the Plan. Nevertheless, the Council is not specifically commending any changes to the Plan in response to matters covered under the section 'Clarity' in this Schedule on Issue 68.

Targets and the Economy

Support expressed by some for these considerations being included in Policy 68 is welcomed.

[Scottish Planning Policy](#) lists at paragraph 187 criteria that planning authorities are likely to include in their development plans, that will be considered in deciding applications for all windfarm developments. These include amongst others:

- "contribution of the development to renewable energy generation targets;
- effect on the local and national economy....."

The Council considers therefore that it is justified in including these within the policy and that they are included in an appropriate form.

The impacts of wind turbines need to be set against the contribution that they would make towards targets, as part of the process of balancing the considerations in decision-making. Indeed, doing so as part of the assessment can assist the planning officers and decision-makers to arrive at a decision one way or the other on a proposal.

It is unfortunate that Glendoe is not currently generating electricity. This compounds with the fact that windfarm connections in the Highlands are effectively being driven (but held up) by grid

reinforcements yet to be delivered. However, compared to the Highland Renewable Energy Target for Export Onshore Wind for 2010 of 800 MW installed capacity, the total of operational and approved schemes as at October 2010 was 808 MW. Furthermore, there were pending applications accounting for an additional 922 MW.

The Council understands that Scottish Government's position as stated in [Scottish Planning Policy](#) (paragraph 182) is that national targets for renewable energy are not to be regarded as caps. The Council is mindful of renewable energy targets being stretching; this is clear from the [Highland Renewable Energy Strategy \(HRES\)](#) and the draft [Onshore Wind Energy Supplementary Guidance](#) (in section 1).

No changes to the Plan are necessary in response to representations on these matters.

Materiality and Weight of HRES and Supplementary Guidance

The [Highland Renewable Energy Strategy & Planning Guidelines \(2006\) \(HRES\)](#) is non-statutory supplementary planning guidance, whereas the [Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation will be statutory Supplementary Guidance. The latter will therefore in general terms be on a firmer footing as a material consideration than the onshore wind energy part of the former currently is, because the new guidance will be more up-to-date, fit with current national policy and an up-to-date LDP and have 'development plan' status. In particular, it will not set out a 'sequential approach'.

Nevertheless it should be noted that HRES remains a material consideration not least because it provides an over-arching strategy and covers a wide range of renewable energy technologies (not just onshore wind).

The rewriting of the first part of the policy suggested by one representor, to distinguish between documents with development plan status and other material considerations not having that status, is not necessary. The Policy as currently in the Plan refers to HRES before referring to the Supplementary Guidance because HRES covers a wide range of technologies rather than just one. Furthermore the order in which it refers to them is not intended to imply relative importance or weight.

The Draft Supplementary Guidance is being consulted upon fully with the public. The [Landscape Study](#) that has been undertaken to inform it has been made available as a background paper to that consultation draft.

A response is provided in respect of 'wild land' issues in the section within this issue dealing with 'Other Issues and Considerations', below.

The [Draft Supplementary Guidance](#) includes (at section 2 and paragraphs 3.9 and 3.10) an explanation of the relationship of it to HRES as well as an explanation of the context provided by SPP and the LDP. However, the Council commends to the Reporter that a brief explanation of the relationship to HRES be included in paragraph 22.1.3 of the Plan, and this is commended below. Apart from that, no other changes to the Plan are necessary in response to representations on these matters.

Significant Detriment

The term "significantly detrimental" should remain in the policy. This is the term that is used in Policy 29 Sustainable Design in the Plan and also in the current [Highland Structure Plan](#) in Policy E2 Wind Energy Developments (see Part Two: Economy). The term usefully indicates a test of whether development will result in 'harm' to the various resources, etc. in respect of which policy 68 requires assessment. In that way the term is more useful than the alternatives suggested by representors, which are less precise and merely suggestive of some degree of negative impact. This part of Policy 68 and its supporting text does not require any change.

Species, Habitats and Nature Conservation Sites

The points made are noted. The Council considers that these matters are best considered within the

[Onshore Wind Energy Supplementary Guidance](#) which has recently (April 2011) been published by the Council as a draft for consultation. The representor (Denise Brown (401)), the RSPB and SNH have all been notified of the consultation on the draft guidance and the opportunity to comment on it.

Public Health and Safety

Public health and safety is correctly included in the policy. The policy does also refer to a number of specific potential health and safety issues, such as noise and ice throw. These are commonly accepted by the renewable energy industry as matters for planning policy and guidance. It should be noted that the Health and Safety Executive and the Council's Environmental Health Officers are consulted in respect of proposals as appropriate and these matters are also covered in Environmental Impact Assessment. Furthermore, the latest [Scottish Government advice on onshore wind turbines \(part of replacement for PAN45\)](#) does, for example (under Road Traffic Impacts on page 8), suggest that set-backs of turbines from roads and railways may be advisable. Whilst some such issues may ultimately be controlled through other legislation, particularly where the risk to public health and safety is great, good land use planning can encourage risk avoidance through siting and design and help in identifying and requiring certain types of mitigation. The [Onshore Wind Energy Supplementary Guidance](#) has recently (April 2011) been published by the Council as a draft for consultation and provides opportunity to further develop guidance on this matter. This part of Policy 68 and its supporting text does not require any change.

Landscape and Visual Impacts

The Council's [Onshore Wind Energy Supplementary Guidance](#) has recently (April 2011) been published by the Council as a draft for consultation. It will be further developed through engagement of interested parties and key organisations. A key aspect being addressed in its preparation is the need for clear guidance on landscape and visual issues and consideration of these issues in the spatial framework for windfarms to be included within it. This will include consideration of cumulative impacts and landscape cumulative limits for windfarm development. The framework derived from such strategic assessment, and indeed the strategic assessment itself, will be a consideration in respect of individual proposals but some sort of detailed assessment of individual proposals will also be required in most if not all cases. Landscape and visual impact, including cumulative impacts, are covered by Policy 68 already. The Guidance will be able to set out expectations for assessment; it is not necessary to detail this in the policy.

The bracketed text in this part of the policy which refers to seeking to minimise landscape and visual impact reflects the final part of paragraph 187 in [Scottish Planning Policy](#) and the Council, mindful of the fact that this key principle has to be balanced with other issues, has included the wording "subject to any other considerations". The Plan takes a reasonable approach on this and does not require change on this particular matter.

The Council understands concerns expressed that the policy as written may suggest that in assessing impacts on landscape character, only impacts on the landscape character of the Highlands as a whole will be considered. The Council therefore commends to the Reporter the change to this part of policy 68 sought by SNH. Apart from that, no further changes are required to this part of Policy 68 and its supporting text.

Safety and Amenity

The matter of shadow throw and how this should be assessed can be addressed further in the Council's supplementary guidance. It is not for the Plan to set out the detail of advice on each of these matters. This part of Policy 68 and its supporting text does not require any change.

Community Amenity

The Council has used the term 'community amenity' to ensure that regard is had to any impact of development on the wider community, specifically at various types of sensitive location beyond solely residential properties. The term 'residential amenity' would not be interchangeable with this. Furthermore, the Council is content with its reference in the policy to recognised visitor sites and can provide further advice on this in supplementary guidance. This part of Policy 68 provides sufficient definition/ indication of what is intended to be covered and the Plan does not require any change in response.

Core Paths and Other Established Public Accesses

Inclusion of this consideration in the policy is appropriate and reflects Policy 78 Public Access and the fact that this issue can be particularly relevant to renewable energy developments across large tracts of land and affecting existing routes. The Council does not consider that insertion of the word 'relevant' as suggested in representation would add any clarity to the policy; such a change is therefore unnecessary. Only matters relevant to a particular case will be considered in the assessment of it. Nor does the Council consider that it is necessary or appropriate to attempt to refer in the Plan to specific types of mitigation for each of the considerations listed in the policy; the policy already refers in general terms, in the second paragraph, to taking into account any mitigation measures to be included. This part of Policy 68 and its supporting text does not require any change.

Film Industry

Whilst the planning system is not to be used to protect the financial interests of one business over that of another, the Council's intent here is to enable the consideration of impacts on the film industry at a generic level. Whilst the film industry does not have a fixed location in the Highlands, and its film location needs vary, an important part of Highland's 'film location offer' is dependent upon the availability of suitable landscapes. Whilst film makers do not always seek landscapes that are, for example, windfarm-free the impact of windfarms in the landscape of Highland is inevitably having a reducing effect on the choice of locations for certain types of film work and this may lead to negative impacts on the local and regional economy. Consideration of impacts on the film industry is therefore similar to the consideration of impacts on tourism and recreational interests and concerns in particular a dependence upon Highland's landscape resource. An important point is that there are often other factors limiting the choice of suitable locations for filming, which can include for example the logistics such as availability of sufficient accommodation nearby and access to the location. Further development of the draft [Supplementary Guidance on Onshore Wind Energy](#) will provide opportunity to further develop guidance on this matter, including the practicalities of what can be assessed or should be safeguarded. The Council will work with the Highland Film Commission on this (representor 491), which does hold information about locations used for filming. It may be noted that the [Renewable Energy Resource Assessment \(RERA\)](#) upon which the existing [Highland Renewable Energy Strategy \(HRES\)](#) is based already takes account of film locations as a potential constraint factor (see RERA Appendices). This part of Policy 68 and its supporting text does not require any change.

Restoration and the Use of Conditions and Agreements

The Council agrees with the sentiment contained in the modifications sought to this part of the policy. However, the Council considers that they would not add critical value to the policy tests and that this part of policy 68 and its supporting text should not therefore be changed, although these are matters that the Council may wish to explain in the Onshore Wind Energy Supplementary Guidance.

Extensions

In the penultimate paragraph of the policy the Council explains that proposals for extensions will be assessed against the same criteria and material considerations as apply to proposals for new facilities. Whilst the Council acknowledges that in some cases there will indeed, as suggested by the representor, be benefits to progressing extensions, saying so in the policy would not add value to it. Rather, this is a matter for the Council to consider merits on a case by case basis and, in the matter of extensions to windfarms, in the development of the spatial framework to be included in the [Onshore Wind Energy Supplementary Guidance](#), particularly in considering landscape capacity and in defining areas for significant protection and broad areas of search. No change is required to this part of Policy 68 or its supporting text in response.

Other Issues and Considerations

On the matter of wild land characteristics, this stands to be considered in the context of Policy 58 Natural, Built and Cultural Heritage and the associated Appendix (6.2) of the Plan, which refers to the assessment that proposals should undergo until such time as wild land has been identified. As wild land has yet to be identified, it is not available at this time as a mapped constraint for consideration in the development of the spatial framework for windfarms that the Council is including in its [Onshore Wind Energy Supplementary Guidance](#).

With regard to peat, the Council considers that Policy 56 Peat and Soils provides sufficient LDP policy context for any further advice to be provided by the Council on this within its [Onshore Wind Energy Supplementary Guidance](#) (see paragraphs 4.77 to 4.80 and also 4.53).

No change is required to Policy 68 or its supporting text in response to either of these issues.

Sites

It is not the role of the LDP to provide support in principle for specific sites for windfarm development. At most it is the role of the LDP to set out a spatial framework in accordance with [Scottish Planning Policy](#) (paragraph 189) which may confirm that particular sites lie within areas of least constraint – broad areas of search. The Council is developing its spatial framework through the [Supplementary Guidance on Onshore Wind Energy](#) in the first instance and it is not therefore included with this Plan.

It is acknowledged that locations at Corran Narrows, Annat and Ballachulish may have potential for tidal schemes; all three were identified in the [Highland Renewable Energy Strategy \(HRES\)](#) (page 19, paragraph 6.2.2.8) as “secondary development areas” for tidal power, after the “primary development areas” of North Stroma, North Skye, Duncansby Head and Kyle Rhea. This classification was derived on the basis of constraints and cost factors estimated in the resource assessment. It is interesting to note that since HRES was produced there has been developer interest in or near a number of the primary areas, through the Crown Estate leasing process. Secondary areas, or indeed any other areas, may come forward as proposals for consideration irrespective of whether they are in the Plan. Policy 68 does not identify specific locations for development. Further work by Marine Scotland and the Crown Estate may confirm or not the potential of such areas in due course and enable consideration again. However, at this time the Council is content that no change is required to the Plan in response to this representation.

Renewables in Developments

The points made are noted. The issue of lack of specific policy requiring low and zero carbon equipment in new developments is responded to by the Council under Issue 91 on Sustainable Development and Climate Change. No change is required though to Policy 68 or its supporting text in response.

Any further plan changes commended by the planning authority:

Inclusion of reference in the supporting text to Policy 68 to preparation of a North Highland Vision and associated supplementary guidance with a focus on the onshore implications of marine renewables.

If the Reporter considers that the Plan requires specific reference to this matter rather than relying on sustainable development principles of the Plan and reference in the Onshore Wind Energy Supplementary Guidance, then: - Inclusion of reference to opportunities for proposals to optimise provision and use of infrastructure, either as suggested by representor 449 at the end of the first paragraph of Policy 68 or alternatively in similar terms but as a new bulletpoint in the policy after the second bulletpoint.

At the end of para. 22.1.3, add: “Parts of the Strategy and Planning Guidelines document relating to onshore wind energy are not wholly compliant with the latest national policy and are being largely superseded by the Council’s new Supplementary Guidance for Onshore Wind Energy.”

Change the sixth bullet point in the policy so it reads, “visual impact, and impact on landscape character (the design and location of the proposal...”.

Reporter's conclusions:**Further information received**

1. The Moray Council has withdrawn its representations.
2. The Highland Council has confirmed that parts of the Highland Renewable Energy Strategy and Planning Guidelines (2006) will continue as non-statutory guidance.
3. In response to my questions, The Highland Council has suggested that paragraph 22.1.7 should be reworded as follows:

The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes. "Community benefit" arrangements unrelated to the implementation of the renewable energy development itself and which do not meet the tests set out in Circular 1/2010: Planning Agreements will not be taken into account in the development management process. However, anticipated socio-economic impacts that are related to the implementation of the renewable energy development itself will be a material consideration when the Council determines the application. This information may be presented in any Environmental Statement prepared in respect of the development but developers may consider it to be beneficial to provide the planning authority with an additional short report which may contain, for example, commercially sensitive information which is being relied upon to evidence economic impacts of the proposed development. Arrangements for preparation of any such additional report should be agreed beforehand with the local planning authority.
4. The Council has suggested rewording the second paragraph of Policy 68 (in part) as follows:

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following ...
5. The following addition to the supporting text has also been suggested:

The relative significance of any particular consideration listed in Policy 68 in the decision-making process may vary with and depend upon the type and scale of scheme proposed; and the appropriate level of weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations.
6. The Council submitted further evidence as to the economic importance of the film industry, including off-season and in fragile communities, and its role in attracting visitors to Scotland and the Highlands.
7. The following comments were received In response to the Council's further information and suggestions. (It should be noted that where representors strayed beyond the further information request in their responses, those points are not reported.)
8. Some representors argue that use of the terms "balancing with" and "overall" would allow major detriment to, for example, landscape character to be balanced/averaged out by other factors, and that this would be unacceptable. They argue that this would introduce uncertainty and result in more appeals. It is claimed that the Council's suggested rewording represents a change in policy which has not been consulted on or put to elected members for consideration.
9. The Council's proposed approach would give them full discretion in each case to decide the relative importance and balance of factors, and to apply a test of overall good fit with policies. This would make it almost impossible for applicants and objectors to assess projects in advance.

10. Other representors welcome the reference to balancing of effects in the Council's suggested rewording. However, since Scottish Planning Policy uses the term "environmental acceptability", wording closer to that would be preferable to the term "significant detriment".
11. The policy should make it clear that failure to accord with one criterion will not necessarily result in failure to accord with the policy. The Beauldy Denny Inquiry report found that to be the position with the equivalent structure plan policy.
12. The recommended rewording for the start of the second paragraph of the policy does not make sense and could lead to misinterpretation. It should be replaced with the following:
 In considering the extent to which a proposed development accords with this policy, the perceived benefits as well as the perceived environmental effects will be considered in the planning balance, as will any mitigation measures to address predicted significant environmental effects. This applies to both the individual and cumulative effects associated with a proposed development and in particular regard will be had to the acceptability of significant effects on the following: ...
13. In relation to community benefit, the following comments are made by various representors. The Council's approach to community benefits is unclear. The Council wishes to take account of confidential information and related benefits. That would not conform to the Circular and may not be lawful. Socio-economic and environmental community benefits need to be defined and must exclude benefits already factored into the favourable policy environment. Paragraph 22.1.7 of the plan should be deleted for lack of definition or measurability. The expectation that developments will contribute to the wellbeing of the Highlands is criticised as too vague and difficult to measure. The amended community benefits text is unclear and ambiguous, and such benefits should play no part in the determination process. The optional submission of an economic impact report should be a matter for supplementary guidance. It is not clear whether unwillingness to submit such detail would be held against a developer. One representor considers that the revised wording is an improvement.
14. It is argued that the film industry criterion would set a dangerous precedent, and that such interests should be considered on a case by case basis. The Council has not answered the questions posed in the further information request and thereby has demonstrated the difficulties in applying the test to development proposals. Potential film industry interests cannot be properly defined and are not a land use planning matter. They should be struck out of the policy. There is no evidence that further wind energy developments would drive film making away from Scotland.
15. The proposed supplementary guidance should apply Highland-wide, in the interests of consistency. It is argued that the text of the proposed supplementary guidance should be available for scrutiny in parallel with the plan examination process.
16. The Council's suggested amendments to policy complicate matters. The proposal to retain unspecified parts of the Highland Renewable Energy Strategy provides no basis for advising clients with regard to projects. The principles of the proposed supplementary guidance on wind energy together with the related spatial strategy should be set out in the plan policy so that it may be tested within the examination process.
17. Some representors contend that references to the Highland Renewable Energy Strategy 2006 should be removed from the plan, because it is not to be adopted as statutory supplementary guidance. The council's intention to "salvage" unspecified parts of the strategy is criticised as generating confusion for developers and communities. The strategy is criticised as being outdated, especially in relation to targets. It is said to have been discredited in public inquiries.
18. Alternatively, a representor argues that the Council should seek to adopt the 2006 strategy, if necessary with a review and consultation, in order to avoid confusion for communities and developers as to where developments might be potentially acceptable. This would be in keeping with the principles of clarity, accountability and front loading promoted by the reformed planning system. Whether or not it is to be statutory, there should be full consultation on the strategy if it is to be applied as guidance for future proposals.

19. The objectives for any proposed supplementary guidance for onshore marine renewables should be stated in the local development plan. Those objectives must be complementary with the statutory obligations of the transmission infrastructure licence holders, or the government's wider policy objectives for marine renewables will be frustrated.

20. Paragraph 22.1.7 should refer to assessment as well as determination of applications, to allow for those proposals proceeding under the Electricity Act.

Conclusions

Supplementary guidance (representations 324, 412, 413, 414, 428, 454, 450, 494)

21. The Scottish Government's representation invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based.

22. The council is to prepare supplementary guidance for Onshore Wind Energy. As far as I am aware this will apply Highland-wide. The main principles of that guidance are set out in paragraph 22.1.4 and the description in appendix 6.3, page 154, of the proposed plan. I consider that together these provide a sufficient policy context for preparation of the guidance. However, in the interests of clarity and consistency with other policies, they should be brought together within the text of the policy.

23. New procedures (set out in section 22 of the Act and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 apply to public engagement over proposed supplementary guidance. There is no requirement in legislation or guidance for the text of supplementary guidance to be prepared in advance of plan adoption.

Renewable energy technologies (representations 1, 83, 167, 213, 268, 274, 326, 437)

24. Although the long identified site at Murkle Bay and part of the associated land at Forss have not yet been developed, I agree with the Council that the potential significance and opportunities for offshore wind, wave and tidal power generation in the Highlands present a major opportunity to secure economic growth and jobs. This will require land and infrastructure whose scale have still to be established. In this context, I am aware that further work is being undertaken, in conjunction with Highlands and Islands Enterprise and representatives of the industry, to establish more clearly the locational and land requirements of the marine renewables sector.

25. In my view, there is therefore considerable uncertainty at this stage over exactly how much land will be required and where the most appropriate locations are to serve the needs of the marine renewable sector. In these circumstances, I find that it would be prudent to retain Murkle Bay and Forss as strategic industrial locations forming part of the range of available opportunities which could be of interest to the marine renewables sector. If necessary, the matter can be reviewed as part of the forthcoming area local development plan, together with the preparation of any associated Supplementary Guidance. This issue is also referred to in Issue 42.

26. I consider that a reference to the SEPA Thermal Treatment of Waste Guidelines 2009 in this section (as suggested by SEPA) would be consistent with, for example, the reference to flood risk maps in Policy 65.

27. I am satisfied that the Council's emerging supplementary guidance for onshore wind energy will cover all scales of development, whether above or below 20MW in capacity. 20MW is used as a threshold in government guidance and it is appropriate for the Council to reflect that in its policies.

Grid issues (representations 180, 268, 452)

28. The issue of additional grid infrastructure for transmission and distribution is dealt with under Policy 70: Electricity Transmission Infrastructure. The issue of the proposed HVDC cable from Caithness to Moray is dealt with under Issue 82: Caithness and Sutherland Vision and Spatial Strategy. Matters relating to the council's Action Programme are not before me.

Wild areas (representation 2)

29. Wild land has not yet been formally identified and is not available as a mapped constraint. As such, it cannot currently be listed in the policy as a constraining factor. The interim position, whilst wild land mapping is undertaken, is found in appendix 6.2 under “Features of Local/Regional Importance”, read together with Policy 58: Natural, Built and Cultural Heritage. For areas with qualities of wildness, this position helps to safeguard those qualities.

Community benefit and economic effects (representations 1, 2, 93, 124, 164, 180, 268, 270, 413, 414, 428, 442, 450, 452, 454, 457, 462, 480, 481, 494)

30. Scottish Planning Policy requires that planning agreements should not be used to obtain a benefit which is unrelated to the nature or scale of the proposed development. The council’s revised wording for paragraph 22.1.7 generally reflects government policy with respect to community or other benefits secured by planning agreements. However, with respect to the third sentence, community benefits might be related to implementation of the development, in that they would be tied to that implementation, but still not be related to the nature or scale of the development. That part of the sentence could lead to confusion and should be omitted; the second part is adequate on its own.

31. On the same basis, where the fourth sentence refers to “implementation”, that should use the phrase “nature or scale” to avoid confusion and to accord with national policy. That amendment should also address concerns on behalf of developers that inappropriate matters were being assessed in making the planning determination.

32. There is unease among some representors about the invitation for developers to submit commercially sensitive information, presumably on a confidential basis. Routinely using confidential information in making planning decisions could be seen as lacking in transparency and could undermine public confidence in the process. It therefore seems inappropriate to include such an invitation in the plan.

33. With respect to the representation on ring-fencing financial benefits for local communities, voluntary agreements between developers and other parties (whether at council or local community level) to secure community benefits (such as a share in the profits from generation) are acknowledged in national policy. However, unless they meet the above tests (and profit sharing would not), they fall outwith the statutory planning system and it is not open to me to require them in the policy.

Policy stance (representations 1, 5, 93, 124, 148, 164, 167, 180, 250, 253, 254, 261, 270, 320, 412, 413, 414, 428, 434, 449, 450, 453, 457, 462, 494)

34. The Council is not obliged to cite legislation with which the plan must comply, including the Climate Change (Scotland) Act 2009. Consideration of the Council’s approach to its obligations in that regard is to be found under Issue 91: Sustainable Development and Climate Change.

35. I am not persuaded that (especially as proposed to be amended) Policy 68, taken together with its supporting text, fails to reflect the intention of paragraph 184 of Scottish Planning Policy that development plans should encourage and support the development of renewable energy. Nor, on the other hand, am I persuaded that this section of the plan is too “pro-development”; it appears to be seeking a balanced approach, in the light of national policy. That said, this approach, as described in the supporting text, is not fully reflected in the terms of the policy, which limits the consideration of positive effects to those on the economy. The Council commends the additional wording of representor 449 as one way of addressing this. I propose to recommend that wording but amended to allow for a wider range of positive effects to be considered, where appropriate. Specific types of benefit, such as energy clusters and use of existing infrastructure, can be dealt with in supplementary guidance, as necessary.

36. With respect to representations arguing for a veto on wind farm proposals in some circumstances where the local community opposes the scheme, this would be contrary to the planning system as set out in legislation. A council must make its own planning decisions on the basis of policies and reasons; it cannot set aside that responsibility and simply adopt the opinions of

a local community.

37. It is not necessary for the policy to single out the Inner Moray Firth for consideration: area-specific matters will be dealt with in the supplementary guidance.

38. The plan's references to the contribution which the Highland area can make to renewable energy production targets reflect national policy and should remain.

39. A number of detailed points raised by representors are to be dealt with in supplementary guidance, as envisaged by government advice on local development plans. That includes the priorities and weighting to be afforded to various factors when determining applications, and broad locations within which renewable energy development would be favoured.

40. Coriolis Energy LLP argue against using the "area of search" approach in supplementary guidance and in favour of detailing exact areas where development will not be supported. As they acknowledge, that suggestion is not in line with national guidance. Consequently, the Council is not obliged to take that approach.

41. It is not obvious to me that the policy is too prescriptive or that it fails to allow for proposals to be considered on their individual merits, as some representors argue.

Clarity (representations 2, 164, 213, 261, 268, 413, 414, 428, 494)

42. With respect to representations arguing for greater clarity in the assessment process, the assessment of proposals is a complex and site specific exercise which involves weighing factors against each other. Questions of what is significant and the weight to be afforded to cumulative impacts will relate to context. Where specific definitions or tests are possible, these are more appropriately set out in supplementary guidance.

43. I am satisfied that, subject to my recommendations below, the policy provides sufficient policy context for the supplementary guidance.

44. The policy refers to renewable energy development proposals and therefore covers applications under section 36 of the Electricity Act as well as planning applications. I see no basis to recommend that the plan should make reference to the planning hierarchy or to the Council's approach to section 36 responses, nor to spatial matters beyond the main principles mentioned below. Paragraph 22.1.7 should be amended to refer to assessment as well as determination of applications, to allow for proposals proceeding under the Electricity Act.

45. As the Council has pointed out, absolute prohibition of development in certain areas (as argued in some representations) would not accord with national policy, which is not to say that the Council cannot give a strong steer away from sensitive locations.

Targets and the economy (representations 1, 268, 413, 414, 419, 428, 449, 494)

46. The policy reference regarding the contribution which developments make towards national energy targets accords with the advice in Scottish Planning Policy. It is therefore reasonable for the Council's policy to have regard to those targets. The policy does not seek to treat those targets as a cap.

Materiality and weight of Highland Renewable Energy Strategy and supplementary guidance (representations 1, 2, 164, 261, 268, 270, 401, 412, 413, 414, 428, 449, 450, 454, 457, 462, 494)

47. The Council acknowledges that the Highland Renewable Energy Strategy and Planning Guidelines 2006 do not comply with national planning policy in some respects, notably in setting out a sequential approach to the development of sites for windfarm development. Parts of those guidelines will continue, but only as non-statutory guidance. The fact that the Council has not specified which parts will be retained has caused considerable disquiet among representors. However, beyond clarifying the status of those guidelines as non-statutory, I am unable to go further under my remit.

48. The guidelines will, in part, be superseded by the forthcoming onshore renewables supplementary guidance, which will have statutory status and will have to have regard to national policy (Circular 1/2009 advises that matters departing from national planning policy are inappropriate for supplementary guidance). As commended by the Council, these matters should be clarified in the supporting text.

49. The plan's reliance on supplementary guidance for the detail of its renewable energy policy is in line with government guidance. I note that the Council intends full consultation on that guidance and that it intends to use its landscape study as a background paper to that consultation.

50. I am satisfied that the order in which considerations are listed in the first paragraph of the policy does not imply an order of importance or weight.

Significant detriment/ balance and weight (representations 124, 180, 213, 268, 401, 412, 413, 414, 419, 428, 434, 450, 454, 457, 462, 494)

51. The expression "significantly detrimental", as used in the policy, is consistent with that used in the current wind energy development policy in the Highland Structure Plan, and in Policy 29: Sustainable Development of this plan. There is no necessity to echo the wording of Scottish Planning Policy by use of the term "environmentally acceptable" (as suggested in one representation) or similar, albeit I note that Scottish Planning Policy uses this phrase only in association with community and small business schemes for renewable energy. The wording used in Scottish Planning Policy in relation to wind farms is that planning authorities should support their development in locations where, among other things, "environmental and cumulative impacts can be satisfactorily addressed".

52. I am satisfied that the revised wording suggested by the Council addresses criticisms that the policy is overly restrictive in that it appears to allow little scope for a balancing exercise between factors; balancing of considerations is now specifically referred to. It is also made clear that such balancing would apply to the considerations overall, including neutral and positive effects, rather than to individual factors.

53. The balancing of considerations cannot be characterised as "averaging out" detrimental factors, as some representors contend. It would still be possible, for example, for significant detrimental impact on one factor to be of such weight as to result in refusal of a scheme in certain circumstances. On the other hand, the Council's amended wording makes it clear that significant detrimental effect on one of the listed considerations would not necessarily result in failure to accord with the policy.

54. I have not been presented with evidence which persuades me that the proposed formulation overall would result in a significant reduction in the support which the government expects local authorities to give to renewable energy developments, or that it is too unclear to be workable.

55. I agree with the Council that it would be impractical to reword the policy to express the level of weight to be applied to the relevant factors, especially given that this will vary with the type and scale of scheme proposed. At this greater level of detail, the Council's proposal to develop guidance within its Onshore Wind Energy Supplementary Guidance about the balancing of considerations seems appropriate. It will then be for the decision-takers to apply planning judgement in the particular circumstances of the case.

Species, habitats and nature conservation sites (representation 401)

56. The representor urges a consolidated approach between consultees in relation to bird species in the Caithness Lochs Special Protection Area. However, it is not within the scope of a development plan to seek agreement between consultees.

57. With regard to Appropriate Assessments, there is no regulatory basis for refusing to admit survey and assessment information supplied by a developer. It requires to be accurate and fair, whatever its source.

Public health and safety (representations 164, 268, 270, 419, 450, 454, 457, 462)

58. The reference in the 5th bullet point to public health and safety is vague and unnecessary. Many such matters are controlled through other legislation and it is not for planning policies to duplicate that control. As the Council point out, specific health and safety matters are already listed in the 8th bullet point, including noise and ice throw. These are accepted factors in the assessment of some renewable energy proposals. The only other such matter which the Council cites is set-back distance between turbines and roads or railways. That can be considered under the heading of other material considerations.

59. I note also that Policy 31: Physical Constraints addresses various matters which might be regarded as falling under the heading of public health and safety and applies to all types of development.

Landscape and visual impacts (representations 1, 2, 118, 261, 413, 414, 428, 449, 494)

60. It is misleading for the 6th bullet point to refer to the impact of a renewable energy proposal on the landscape character of the Highlands. That is too large and diverse an area for the purpose. The assessment should be of effects on the surrounding landscape. No further detail of the method of assessment is required within the policy itself. That can be addressed in guidance, if considered appropriate.

61. There is no basis for changing the reference in the bracketed section of this part of the policy to minimising landscape and visual impact as this reflects the wording in paragraph 167 of Scottish Planning Policy.

62. The perceived policy vacuum following the Council's admission that parts of its Highland Renewable Energy Strategy and Planning Guidelines fail to comply with national policy cannot reasonably be met by the incorporation of detail in this plan, and it is not the intention of the reformed development plan system that such detail should be included in that way. Nor is it evident that the timescale for adoption of the plan will be significantly ahead of that for adoption of the supplementary guidance.

Community amenity (representations 268, 412, 419, 450, 454, 457, 462)

63. In the 7th bullet point, the Council wishes to take into account the amenity at locations beyond just residential property, so the term residential amenity would not suffice. However, I can see no advantage in using the phrase "community amenity", whose meaning or implications have given rise to uncertainty among representors. The scope of amenity to be considered is apparent from the locations listed.

64. The suggested expression "key visitor sites or attractions" would result in a more selective approach than "recognised visitor sites". But the Council's wish is to cast the net wider, and I have no grounds to interfere with that.

Safety and amenity (representation 419)

65. With regard to the 8th bullet point, the way in which shadow throw should be assessed is a matter of detail more suited to supplementary guidance than for inclusion in the policy itself.

Core paths and other established public accesses (representations 124, 268, 419)

66. The 12th bullet point requires that significant effects on any established public access be assessed rather than just on formal public access. Again, the Council's wish is to cast the net wide, and I have no grounds to interfere with that.

67. The possibility that routes could be diverted in order to address potential amenity impacts is a matter of detail more suited to supplementary guidance. I also note that the policy states that mitigation measures will be taken into account when applying the policy test.

68. The degree to which any access is used and the nature of any impact should be factored into any assessment. This is a reason for the policy to be framed so as to require judgement and balance rather than for omission of this bullet point.

Film industry interests (representations 124, 268, 270, 450, 454, 457, 462, 491)

69. With regard to the 13th bullet point, the Council compares the interests of the film industry with those of tourism and recreation and refers especially to the Highland's landscape resource. It seems to me that the film industry's interests are already covered, in part, by landscape, tourism and recreation policies in the plan. Whilst the Council's arguments as to the importance of that industry are acknowledged, I consider that it would be unrealistic to expect any potential developer to effectively second guess the potential attraction of a particular area to film makers, both in visual and practical terms. That is not to say that in connection with some particular development proposals film industry interests might not be considered, but I am not persuaded that their inclusion as a policy criterion is appropriate.

Peat (representation 2)

70. The Council is satisfied that there is no need to make specific reference to effects on peat within the list of factors in the policy, given that Policy 56: Peat and Soils provides sufficient policy context for any further advice to be provided within the supplementary guidance. I am satisfied with that approach.

Extensions (representation 268)

71. Whilst, as the Council acknowledges, there can be benefits to extending existing renewable energy facilities, in certain circumstances disbenefits may apply. Each case must be assessed individually, and there is no justification for making a favourable general statement within the policy.

Restoration and the use of conditions and agreements (representations 2, 78, 268)

72. The final paragraph of the policy is clearly not intended to set out the scope of all the conditions and legal agreements/obligations which might apply to an approved development. It does not therefore preclude conditions to control the operation of the development.

73. The policy as presently worded does not allow for the possibility that additional consents could be secured to extend the life of a project. This should be added.

74. With respect to circumstances, such as when operations are suspended to allow for the installation of new generation equipment, I consider that the phrase "whenever ... the project ceases to operate for a specific period" allows for an exception to apply.

75. The issue of partial restoration of sites, as raised by the Mountaineering Council of Scotland, is an important one. It deserves careful consideration in supplementary guidance. However, site specific factors almost always apply and it would not be appropriate for the policy to impose a general rule for complete restoration. For example, it is sometimes argued that the removal of entire turbine bases (to full depth) can be more damaging to a particular ecosystem than covering them with an appropriate depth of soil and turf.

Sites (representations 1, 452)

76. As the Council has pointed out, it does not intend this local development plan to support particular sites for renewable energy development, whether onshore or offshore. A spatial framework for onshore wind energy will be provided within the supplementary guidance. I have no basis to disturb that approach.

Renewable energy generation in developments (representation 486, 533)

77. The issue of requiring developers to include renewable energy generation within their housing or other developments is dealt with under Issue 91: Sustainable Development and Climate Change.

Reporter's recommendations

I recommend the following modifications:

1. At the end of paragraph 22.1.3, the following should be added:
Parts of the non-statutory Highland Renewable Energy Strategy and Planning Guidelines 2006 document relating to onshore wind energy are not compliant with national policy

(notably those relating to a sequential approach). They will be superseded by the forthcoming Onshore Wind Energy Supplementary Guidance, which will have statutory status.

2. Paragraph 22.1.7 should be deleted and replaced by the following:

The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes. "Community benefit" arrangements which do not meet the tests set out in Circular 1/2010: Planning Agreements will not be taken into account in the development management process. However, anticipated socio-economic impacts that are related to the nature and scale of the renewable energy development itself will be a material consideration in the assessment or determination of the application. This information may be presented in any Environmental Statement prepared in respect of the development.

3. The following additional paragraph should be inserted before paragraph 22.1.7:

The relative significance of any particular consideration listed in Policy 68 in the decision-making process may vary with and depend upon the type and scale of scheme proposed, and the appropriate weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations.

4. The second sentence of the policy should read (in part):

The Council ... will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

5. The second paragraph of the policy should read (in part):

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following ...

6. The 5th bullet point, referring to "public health and safety", should be deleted.

7. The 6th bullet point should read (in part):

- visual impact and impact on the landscape character of the surrounding area (the design ...)

8. The 7th bullet point should read:

- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary)

9. The 13th bullet point should read:

- tourism and recreation interests.

10. The final paragraph of the policy should be modified to read:

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

11. To improve clarity, and for consistency with other policies, the following text setting out the main

principles of the proposed guidance should be added to the text of the policy:

The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from windfarms; other areas with constraints; and broad areas of search for windfarms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger windfarms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council.

The Council may wish to adjust the supporting text accordingly.

12. A brief reference to the SEPA Thermal Treatment of Waste Guidelines 2009 should be included in the supporting text.

Issue 69	“Community” Renewable Energy Developments	
Development plan reference:	Policy 69 (para. 22.3, Page 116) [and text preceding Policy 68]	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Coriolis Energy LLP (1) The Mountaineering Council of Scotland (MCS) (2) Kingussie & Vicinity Community Council (93), M Gilvray (453)		
Provision of the development plan to which the issue relates:	“Community” Renewable Energy Developments General Policy	
Planning authority’s summary of the representation(s):		
<p><u>Coriolis Energy LLP (1)</u></p> <p>Support the proposal in Policy 69 that the Council’s assessment of renewable energy proposals will differ for developments where the local community are involved and supportive of a wind energy project. However, the LDP policy should recognise that the scale of investment required for windfarm development is substantial and developer led wind energy projects will continue to contribute the bulk of renewable electricity generation in the Highlands. (1)</p> <p><u>The Mountaineering Council of Scotland (2)</u></p> <p>Support true community renewable energy developments (where the community use the energy generated) to promote the sustainability of communities. Object in any decision on a renewable energy development, whether a small project or as contributing to a larger development, giving greater weight to one community if this would disadvantage the interests of other communities, including those that are non-geographical. This may be the case where the location has a high wildness quality which contributes to the integrity of the national resource of wildness, but there is only one geographical local community taken into account. Renewable developments, even at a small size rarely impact only on one defined community. An example of this was the small wind development scoped by Assynt. This could have been viewed as being covered by Policy 69, but it had impacts, disproportionate to its size, for tourists and walkers visiting the area. (2)</p> <p><u>Kingussie & Vicinity Community Council (93)</u></p> <p>Fully support the Council’s stance on its initial assessment of renewable energy proposals in relation to community developments. (93)</p> <p><u>M Gilvray (453)</u></p> <p>It would be worth noting that small is not necessarily better in terms of landscape impact. The fact that a development is community sponsored should not allow it to take precedent over the normal due process. (453)</p>		
Modifications sought by those submitting representations:		
The policy should recognise that the scale of investment required for windfarm development is substantial and developer led wind energy projects will continue to contribute the bulk of renewable electricity generation in the Highlands. (1)		

Summary of responses (including reasons) by planning authority:

The support for the Council's proposed approach to Community Renewable Energy Developments is welcomed.

The policy is already framed such that it recognises that schemes may have impacts on a single community or on multiple communities. Also, it does not suggest that different policy tests will apply solely due to a scheme being sponsored by the community. The policy combines these two aspects in determining the policy approach to be taken.

Community schemes may account for a significant proportion of the number of renewable energy schemes in the Highlands in the coming years. It is nevertheless understood that developer-led schemes will continue to make the greatest contribution and indeed will be required in order to meet renewable energy targets. This is clear in the Highland Renewable Energy Strategy (HRES) (for example in HRES Table 6.1.1 on page 11 it is clear that both local and export schemes will continue to be required and that export schemes are to make a substantial contribution to delivering targets). It is not necessary to add further text on this to the Plan.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:**Further information received**

1. The Council provided clarification on the extent and nature of the proposed relaxation for community schemes in respect of impacts on amenity. This would apply primarily, but not solely to local visual and landscape character amenity. The Council would look for evidence of a reasonable degree of local support for the proposal, and that all potentially affected persons had been given the opportunity to object.
2. The meaning of the term "community" as used in this policy would need to be assessed on a case by case basis, and could vary accordingly. It could refer to a community council area, or to the area which would benefit from a particular community venture or from the community share in a larger project. (The latter areas might be larger or smaller than the community council area.)
3. The Council outlined the background to the Glencanisp Community Wind Project in Assynt, as referred to in the Mountaineering Council of Scotland representation. It disputed the latter's contention that small projects would rarely impact on only one community, pointing out that Policy 68 covered the whole range of renewable energy schemes, irrespective of resource type, technology or size.

Conclusions (representations 2, 453)

4. The policy is framed to ensure that the only relaxation accepted in relation to community developments is that greater impacts on the amenity of that community's area would be accepted. The Council has clarified the extent and nature of the proposed relaxation in respect of impacts on amenity. I am satisfied that there are sufficient caveats in the policy to address the concerns expressed by the Mountaineering Council of Scotland, namely avoiding situations where small community schemes had a disproportionate effect on visiting tourists and walkers, and by M Gilvray.
5. I accept the Council's position that there could well be small projects where the community proposing is the only one significantly impacted by the proposal.
6. To assist potential developers and concerned third parties, the Council's clarifications regarding "amenity" and "community" should be included in additional supporting text.

Reporter's recommendations:

I recommend the following modification:

1. Supporting text, along the lines of that found at paragraphs 1 and 2 above, should be added to clarify matters of "amenity" and "community" as used in the policy.

Issue 70	Electricity Transmission Infrastructure	
Development plan reference:	Policy 70 (para. 22.4, page 116) [and text preceding policy 68]	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Coriolis Energy LLP (1) Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Scottish Environment Protection Agency (SEPA) (326) CASA Planning and Environment Ltd for Cube Engineering (449)		
Provision of the development plan to which the issue relates:	Electricity Transmission Infrastructure General Policy	
Planning authority's summary of the representation(s):		
<p><u>Coriolis Energy LLP (1)</u> A grid network 'fit for purpose' is vital to the expansion of renewables in Highland and Coriolis support the Council's commitment to ensure that electricity grid networks no longer restrict the economic potential of the area.</p> <p>Coriolis encourage Highland Council LDP policy to set out equal support for the expansion and installation of further onshore electricity connections in order to connect new renewable energy generators to the existing grid network. The timescale for sub-sea electricity cables around Scotland remains unclear and clear policy support must be given to onshore grid development or upgrade. Onshore grid improvements will provide the quickest and cheapest way of increasing renewable energy generation over the next 5-10 years. The grid situation is likely to change considerably over the next few years and planning policy needs to remain flexible enough to accommodate changes. (1)</p> <p><u>Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268)</u> The inclusion of a policy regarding electricity transmission infrastructure within the LDP is supported in principle.</p> <p>Electricity transmission infrastructure that requires express consent is progressed under the terms of Section 37 of the Electricity Act 1989 (as amended). In assessing a proposed development for electricity transmission infrastructure the decision maker requires to have regard to schedule 9 of the Electricity Act 'Preservation of Amenity and Fisheries', which requires the decision maker to have regard to:</p> <ul style="list-style-type: none"> • <i>'Desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and are protecting sites, building and objectives architectural, historic or archaeological interest; and</i> • <i>Shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or on objects'.</i> <p>The matters that the decision maker will require to have regard to, regarding the protection of the environment, is significantly at odds with the LDP policy test. The legislative tests require regard to be had to the desirability of preserving certain environmental receptors and for the developer to do what he reasonably can to mitigate any effects. The policy test requiring a proposed transmission infrastructure development to not have a "significantly detrimental impact on the environment" is at odds with the legislative test set out above. Alternative wording for the policy is suggested.</p> <p>It would be appropriate for the LDP to identify what aspects of the spatial strategy relate to National</p>		

Developments, as identified by NPF 2, and to provide an appropriate policy framework to support them. SSE recommend that the Council is mindful that National Developments included within NPF 2 have essentially had the principle of development approved by their very inclusion within NPF 2.

The existing and potential transmission and distribution reinforcements within the Council's area are shown in materials submitted with the representation, differentiating between those National Developments within NPF2 and Local Infrastructure works. This information is submitted on the basis of informing the Council of the likely works that will be progressed in the future and to inform the preparation of the further more detailed LDPs. It is not intended that this information should influence any change to the spatial strategy of the plan at this time.

It would also be appropriate for the policy to refer to the Holford Rules, which are generally accepted by the transmission industry as setting the most appropriate guidance applicable to routing decisions for overhead transmissions lines. (268)

Scottish Environment Protection Agency (SEPA) (326)

SEPA recommend that Electricity Transmission Infrastructure be assessed against the same criteria as Renewable Energy Developments and that the policy is amended to reflect this. SEPA propose this amendment to the policy because both types of developments have many features and elements in common such as watercourse crossings, access tracks, underground cables, hard standings, site compounds and substations. (326)

CASA Planning and Environment Ltd for Cube Engineering (449)

The scope of the policy should go further in support of renewable energy developments that can be located to maximise efficient use of existing infrastructure. Further support should be offered to developments that are located in areas that are able to extract maximum efficiency from available infrastructure and thus negate need for mitigation in some instances, hence minimising environmental risk.

The threshold set in this policy is too high. Electricity transmission infrastructure will unavoidably have a significantly detrimental impact on the environment. The current threshold will pose an impediment to the development of necessary infrastructure required to deliver development targets and in particular renewable energy. (449)

Modifications sought by those submitting representations:

Wish to see policy set out equal support for the expansion and installation of further onshore electricity connections in order to connect new renewable energy generators to the existing grid network. (1)

The policy would appropriately refer to the Holford Rules. (268)

The policy would more appropriately refer to an "unacceptable significant impact on the environment" rather than using the term "significantly detrimental". (268)

The LDP would appropriately identify what aspects of the spatial strategy relate to National Developments, as identified by NPF 2, and a more specific and detailed policy framework to support those. (268)

Policy should be amended to provide that Electricity Transmission Infrastructure be assessed against the same criteria as Renewable Energy Developments (Policy 68). (326)

Policy should be amended to say: "In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals along with proposals that can make efficient use of available infrastructure including effective electrical grid connections with good access to proposed grid capacity". (449)

Lower the threshold for acceptability of proposals. (449)

Summary of responses (including reasons) by planning authority:

The Council is of the view that Policy 70, taken together with other policies in the Plan, provides a suitable framework for the consideration of proposals for electricity transmission infrastructure. The threshold of the policy is not set too high; it enables a balancing of considerations.

The Council acknowledges that the 'Holford Rules' provide a tool to guide the preparation of proposals and to assist assessment of options. However, proposals can have a wide range of impacts and the Council would not wish the scope of its consideration of proposals to be limited to the Holford Rules.

The use of the term 'significantly detrimental' in the policy is appropriate and fits with its use in Policy 68. The Council's case on the use of this phrase is set out in more detail in respect of its response to representations on Policy 68 Renewable Energy Developments (Issue 68) and applies here also.

The Council does not consider it necessary to refer in this policy to offering further support to developments that are located in areas that are able to extract maximum efficiency from available infrastructure, although the generality of this point is agreed to by the Council in respect of Policy 68 which deals with renewable energy developments, where any change in response to this may be better placed. See Council's response to representations on Policy 68 Renewable Energy Developments (Issue 68).

The policy does provide sufficient support for onshore electricity infrastructure, whilst it does flag potential mitigation and alternatives including undergrounding and sub-sea options which may help to limit the impact of 'wirescape' in the Highlands and limit impact on landscape capacity.

It is agreed that the Plan would usefully be clarified in respect of grid reinforcements to indicate which of these are National Developments as identified in National Planning Framework 2 (NPF2) (see National Development 11 on Map 10 and in the Annex of NPF2) and what that means in terms of policy and process. This is commended below. However, a separate policy is not required.

It is agreed (within the Council's response to representations on Policy 68 Renewable Energy Developments (Issue 68)) that the Plan would usefully point out that additional infrastructure will need to be developed, for both transmission and distribution, and this is commended below.

Any further plan changes commended by the planning authority:

Indicate in the supporting text which of the electricity grid reinforcements identified in the Plan's spatial strategy are National Developments as identified in National Planning Framework 2, and explain what that means.

Add in reference in the supporting text to the fact that there will be need for other transmission and distribution infrastructure to be developed in the Highlands.

Reporter's conclusions:**Further information received**

1. In response to questions arising from several of the representations, the Council suggests rewording of the policy as follows:

Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration and taking into account any mitigation measures to be included, the Council will support proposals if assessed as not having a significantly detrimental overall impact on the environment. In locations that are

sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

Conclusions

Generator connection infrastructure (representation 1)

2. The policy covers electricity transmission infrastructure, but not the installation of connections between new generators and the grid. As matters stand, proposals for the latter would be assessed on their individual merits (as they are now). There is no requirement or necessity for a policy on connections, so I have no basis for insisting on one.

National Developments (representation 268)

2. It would be helpful for the plan to indicate which grid reinforcements are National Developments, as identified in National Planning Framework 2, and to explain what that means in terms of policy and process. There does not seem to be a requirement to go beyond that by providing additional support for those grid reinforcements within the policy.

Policy tests (representations 268, 449)

3. I consider that (subject to minor editing) the rewording of the policy suggested by the Council satisfactorily addresses concerns regarding: the need for a balancing exercise, taking account of the overall situation; the need to take account of the level of strategic significance of the infrastructure proposed; and the Council's stance in relation to underground or sub-sea grid proposals.

4. However, the test of "significantly detrimental overall impact" remains at variance with the legislative test set out under section 37 of the Electricity Act 1989, under which proposals for electricity transmission infrastructure will generally proceed. The legislative test requires the decision taker to have regard to the desirability of preserving various matters of interest and requires the developer to do what he reasonably can to mitigate any effects of the proposal on those interests. The Council's proposed test is potentially more onerous, even in the form it is now commending, and no justification has been presented for that difference. I therefore propose to recommend substitution of the representor's suggested alternative wording, namely "unacceptable significant impact on the environment."

Holford Rules (representation 268)

5. Although the Holford Rules are widely used in the preparation of overhead electricity transmission infrastructure proposals, and that use is acknowledged by the Council, there is no overriding need to refer to them in the policy. I therefore have no basis for recommending their inclusion.

Criteria (representation 326)

6. I accept the Council's position that Policy 70 used in combination with other relevant plan policies would provide a sufficient and appropriate development plan basis for assessing proposals, without the need to repeat the criteria set out in Policy 68: Renewable Energy.

Maximising use of existing infrastructure (representation 449)

7. This topic is considered under policy 68: Renewable Energy Developments.

Need for additional infrastructure (representations 268, 452)

8. As accepted by the Council (see Issue 68, Grid Issues), reference should be made in this section of the plan to the need for additional transmission and distribution infrastructure to be developed.

Habitats Regulations Appraisal (representation 118)

9. The Habitats Regulations Appraisal Record addresses SNH's concerns by clarifying that "environment" includes "natural, built and cultural heritage features." I note that the Council's most

recent suggested rewording of the policy changes that set out in the Record, but I have adapted that recent rewording to incorporate the clarification of the term “environment”.

Reporter’s recommendations:

I recommend the following amendments:

1. The supporting text of the plan should indicate which grid reinforcements are National Developments, as identified in National Planning Framework 2, and explain what that means in terms of policy and process.
2. In the supporting text, a reference should be added to the need for additional transmission and distribution infrastructure to be developed in the Highlands.
3. The policy should be amended to read:

Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

Issue 71	Waste Management Facilities	
Development plan reference:	Policy 71 (para 22.6, Page 117)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dounreay Site Restoration Limited (DSRL) (26) Kingussie & Vicinity Community Council (93) Scottish Natural Heritage (118) Glen Urquhart Community Council (174) Scottish Council for Development and Industry (SCDI) (180) Ross-shire Waste Action Network (RoWAN) (200) Nairn Residents Concern Group (NRCG) (209) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Nigg & Shandwick Community Council (254) Scottish Environment Protection Agency (SEPA) (326) Action for Mental Health (HUG) (355) Myra Carus (422) Lochaber Partnership (452) Friends of the Earth Scotland (486)</p>		
Provision of the development plan to which the issue relates:	Policy 71: Waste Management Facilities (p.117-118)	
Planning authority's summary of the representation(s):		
<p><u>Representors making comments regarding policy context:</u></p> <ul style="list-style-type: none"> SEPA make the following comments in respect of the <u>supporting text</u> para. 22.5.1 and in the light of current Scottish Government Waste Planning and Policy and guidance. SEPA understand however that there are likely to be significant changes, following the recent publication of the Zero Waste Plan, in how Scottish Government views in a land use planning context application of the proximity principle, consideration of Best Practicable Environmental Option (BPEO) and any "need" case which supports waste management proposals. SEPA would be happy to advise further on this matter following any supplementary advice from Scottish Government on this emerging issue (326) SEPA recommend that references to the Area Waste Plan be removed as the Zero Waste Plan has replaced the AWP as a material planning consideration. We also recommend that reference is also made to PAN 63 "Waste Management Planning" (326) SEPA recommend that the text be amended to note that all proposed waste management facilities should be assessed against the National Need and Capacity information that will be included in Annex B of the Zero Waste Plan. All waste management facilities will contribute towards delivery of the national need, whilst also addressing local need as set out in the text preceding Policy 71 (326) <p><u>Representors providing support for Policy:</u></p> <ul style="list-style-type: none"> SEPA support the inclusion of "Waste" as an issue to be considered for each of the major development sites. Requiring proposals to meet the requirements set out in the <i>Supplementary Guidance on Managing Waste in New Developments</i> is a positive step in incorporating Sustainable Waste Management practices into developments (326) SEPA support the identification of the Seater Landfill, Glen Nevis Industrial Site, Portree and Longman Landfill sites as being considered suitable for waste management uses, and support their identification on the Proposals Map and in Maps 18 to 21. SEPA also support the inclusion of site specific policies outlining the appropriate uses at these sites (e.g. Policy 5 for 		

Longman Landfill Site) (326)

- SEPA support the stated criteria that all waste proposals will be assessed in relation to the Zero Waste Plan and Scottish Planning Policy, and the positive approach towards energy from waste and other types of waste management facilities (326)
- SEPA also support the preparation of Supplementary Guidance on managing waste in new developments and have submitted separate comments relating to this document (326)
- SEPA also support the other criteria listed within the policy (326)
- The NRCG view positively the Plan's proposals on Waste Management. The NRCG would reiterate that there should be NO imported waste from other parts of Scotland, UK or any other country and the relevant policy strengthened by such unequivocal wording (209)

Representors making comments regarding recycling provision:

- More opportunities are needed for recycling in the Highlands with more emphasis needed generally on green issues and climate change. Reference made to protecting environment at e.g. Tornagrain (355)
- Increased facilities for recycling should be a major consideration when shaping this policy. Kerbside recycling should be increased and facilities at local waste recycling centres enhanced (93)
- Highland Council is to be commended on their present recycling provision, although I would like to see a concerted effort to make Highland virtually 'plastic-free' and in the meantime a provision for recycling plastic introduced. (422)
- Household waste should be further reduced by education and positive targeting, e.g. despite the excellent job done by Waste Action Networks, there is still a lack of understanding about composting opportunities (422)

Representors making comments regarding the allocation of waste management sites:

- Local waste facilities for communities should be encouraged to help provide local jobs for local people (422)
- The exact allocation given over to proposed waste management at Glen (Ben?) Nevis Business Park should be minimised and clearly identified. The close proximity of this use to the business park is incompatible and could potentially be detrimental to aim of maximising the economic benefit of the investment in the park (452)
- Object to the acceptance of waste management facilities on existing or allocated industrial land. Not all of these are suitably located especially for example for energy from waste schemes (229)
- Sites that are capable of accommodating such uses should be identified to provide communities and the development industry with certainty (229)
- Trust that in considering sites for facilities, the Council will take in account proximity to residential property – it must be ensured that local communities are totally protected from any air borne emissions. If any negative impact on air quality is identified then the application should be rejected (254)

Representors making comments regarding the treatment of waste:

- Waste should be seen as a resource but there needs to be more use of Mechanical Biological Treatment of waste. This will still provide energy from waste but will allow recycling to increase (486)
- Waste should not be burnt (422)
- Would prefer wording that clearly indicates that alternatives will be considered, given that experience in this sector is still developing and we do not yet know what level of recycling and waste reduction will be achieved (200)
- Concern that reference is only made to a single Materials Recovery Facility; it is assumed that a number of sorting facilities will be required if government targets are to be met and if infrastructure is to be localised as is suggested. Want the Council to support proposals which would reprocess materials locally such that they do not have to be taken long distances for recycling. The criteria against which proposals will be assessed should include specific reference to the inclusion of a heat plan for proposals where heat is being generated, so that it is clear at the proposal stage that there is an end use for any energy generated. Reference is

made to the Zero Waste Plan, would like to see the inclusion of a positive statement that the Council will promote recycling, reuse and most importantly waste reduction (200)

- SCDI welcomes the statement in the Proposed Plan that all proposals will be assessed against policies including the Zero Waste Plan. The plan's priority is to treat resources as high up the waste hierarchy as possible by preventing, reusing or recycling resources wherever feasible. Both the Zero Waste Plan and A Low Carbon Economy for Scotland highlight that energy from waste has an important role to play and would generate heat and power for homes. The Council's policy should support these developments where appropriate (180)

Representors making other miscellaneous comments:

- Waste should be the responsibility of the producers, and a levy placed on them by government (422)
- The proposal should be assessed as part of the Habitats Regulations Appraisal of the Plan (118)
- Typographical error between the policy and the map – policy states Ben Nevis map 19 states Glen Nevis (229)

Responses regarding Managing Waste in New Developments SPG:

- Support the proposed provision of clear SG relating to managing waste in new developments, which will help new development support the achievement of the Zero Waste Plan objectives and the target of achieving 70% recycling by 2025 (326)
- SEPA suggest changes to wording in light of publication of Zero Waste Plan, replace first 3 paragraphs with "*The Zero Waste Plan for Scotland sets out how Scotland can move towards being a zero waste society. This does not mean we never throw anything away, but that we make the most effective use of the resources contained in waste. An important part of achieving a zero waste Scotland is maximising reuse and recycling. Actions must be taken to increase the quantity and quality of materials collected for recycling. Recyclable materials must be sorted into separate streams to avoid contamination with other wastes and materials,*" (326)
- To address the target issue outlined above SEPA suggest that the table only show the Zero Waste Plan targets for all waste e.g.

Target Year	Recycling/Composting	Landfill
2025	70%	5%

- The waste hierarchy on page 2 identifies 'Recovery' as 'recovering energy from waste'. However, recovering energy from waste is only one example of recovery so we suggest that the quote in the figure is changed to "for example, recovering energy from waste" (326)
- SEPA suggest guidance should incorporate section on managing construction waste unless this issue is covered in other guidance. Scottish Planning Policy paragraph 218 refers to site waste management plans aims to minimise waste at source on construction sites and suggests the Planning Authorities should consider requiring them as a condition of planning permission. 6. The Revised Waste Framework Directive also gives targets for construction and demolition waste which could be included if this SG covers construction waste (326)
- SEPA welcome the guidance given to incorporating sustainable management of waste into the design of new developments – in particular guidance relating to where bins and recycling receptacles should be incorporated into the overall design of the development, and consideration as to how the waste collectors will access these bins/receptacles (326)
- Requirement for mini recycling centres in rural areas for developments over 50 houses could lead to proliferation when a single central village facility will suffice. If Council proceeding with fortnightly collection of paper, why have communal paper banks? (174)

Modifications sought by those submitting representations:

1. Some representors are seeking alterations to waste management allocations, as follows:

- Removal of the reference to acceptance of waste management proposals on existing and allocated industrial land and identify which industrial estates would be appropriate for which

type of waste management facility. (229)

- Remove allocations for waste management facilities on existing or allocated industrial land entirely (229)
- Clarification and minimisation of exact location of Glen Nevis Business Park allocation due to potential detrimental impact on business park (452)

2. SEPA seeking alterations to policy as a result of updates to national policy context, as follows:

- Removal of references to Area Waste Plan and inclusion of reference to PAN63 Waste Management Planning (326)
- Amendment to text to note that all proposed waste management facilities should be assessed against the **National Need & Capacity Information** that will be included in Annex B of the Zero Waste Plan (all waste management facilities will contribute towards delivery of the national need whilst also addressing local need as set out in the preceding text) (326)

3. Some representors seeking additional provision to be made for recycling facilities, as follows:

- Provision of additional recycling facilities – more kerbside recycling, enhanced facilities at local waste recycling centres, specific provision for plastic recycling and to outline composting opportunities (355,93, 422)
- Inclusion of a positive statement that the Council will promote recycling, reuse and waste recycling (200)

4. Some representors seeking amendments to the Waste Management Facilities proposed/supported, as follows:

- Amendment to text to ensure local communities are protected from any air borne emissions – policy should ensure applications will be rejected where any negative impact to air quality is detected (254)
- Provision to allow for consideration of alternative forms of technology as experience in this sector develops/more use of Mechanical Biological Treatment of waste (486, 200)
- Policy to specify no burning of waste (422)
- Inclusion of additional allocations for localised sorting/reprocessing facilities (200)
- Criteria against which proposals will be assessed should include specific reference to the inclusion of a heat plan for proposals where heat is being generated (200)

5. Representors seeking other miscellaneous amendments, as follows:

- Proposals should be assessed as part of the Habitats Regulations Appraisal of the Plan (118)
- Correction of typographical error between policy and the map (Glen Nevis allocation) (229)

Summary of responses (including reasons) by planning authority:

Policy Context

It is noted that SEPA are only seeking minor changes to the policy text to reflect the up to date policy context, that is:

1) removal of references to the Area Waste Plan (superseded by the Zero Waste Plan),

2) amendment to text to note that all proposed waste management facilities should be assessed against PAN 63 and the National Need & Capacity Information that will be included in Annex B of the Zero Waste Plan (this information is now published).

In responding to this particular issue it may also be useful to first explain the Council's current position in respect of responding to the Scottish Government's Zero Waste Plan:

In preparing a local development plan the planning authority are to have regard to the national waste management plan (S.10(h) of the Act).

Scottish Government's Zero Waste Plan together with:

- the National Planning Framework;
- Scottish Planning Policy
- PAN63 (including revised versions);
- SEPA waste data sources: including Waste Data Digests and Waste Infrastructure Maps; and
- SEPA Thermal Treatment of Waste Guidelines 2009;

constitutes the "national waste management plan" for these purposes (see ZWP Annex B).

The ZWP was launched on 9 June 2010, following a consultation exercise in 2009. As such there was not an opportunity for the HwLDP, reported to Committee in August 2010 and subsequently published in September as the Proposed Plan, to incorporate a Highland local development plan response to the national waste management plan in full. Indeed, as explained below, the Council still is not in a position to respond fully. We did though ensure that the Proposed Plan referred to the ZWP as a consideration in supporting text para. 22.5.1 and in Policies 71 Waste Management Facilities and 72 Safeguarding of Waste Management Sites, and that the Plan through these policies provides in principle for waste management facilities to be located on existing or allocated industrial land, or existing or former waste management sites. The Proposed Plan was informed by the Council's 'Waste Management Strategy' (approved March 2009) which in turn was informed by the Scottish Government's 'zero waste announcements' in advance of the ZWP being produced.

Annex B to the ZWP, entitled "Role of Land-Use Planning to Deliver Zero Waste", provides the link between the ZWP objectives, the National Planning Framework, Scottish Planning Policy, PAN 63 and information on roles and responsibilities. It essentially says that planning authorities should pro-actively plan for waste management infrastructure for all types of waste.

Paragraph 214 of Scottish Planning Policy (2010) said that the Zero Waste Plan would establish the need for and required capacity of waste management facilities. However, in the event the ZWP (specifically Annex B) has not gone that far and instead provides high level advice on Need and Proximity supported by annually revised data in a table. That table (Table 1) indicates Additional Operational Waste Management Infrastructure Capacity Required to meet the ZWP Targets (by Development Plan Area). Also provided is Table 2 indicating the Ten Year Rolling Landfill Capacity Required (by Development Plan Area).

It is understood that whilst Scottish Government will be revising PAN63, there will be little further new material by way of advice and essentially planning authorities now have, with the release of the Tables and revised Annex B, the key information that they will be receiving.

The HwLDP Proposed Plan as noted above does begin to provide the Council's Highland local development plan response to the national waste management plan. However, more work will be required before the Council can fully respond. The revised version of Annex B, and Tables 1 and 2, were only published by Scottish Government very recently (Annex B on 11th February, Tables 1 & 2 on 24th February 2011). It will be necessary to review the Council's waste strategy in the light of these and other materials and to consider the implications for non-municipal waste as well. The TECS Committee has (12 August 2010) acknowledged the need to review the strategy in the light of the ZWP. However the detail of the implications of the ZWP will not be known until the Zero Waste Regulations are finalised (anticipated to be in the summer 2011 and that will inform the review of the strategy and from there identification of land use requirements – and in parallel any work required to identify needs in respect of non-municipal waste management).

The LDP response to ZWP will therefore be dependent upon this work. It may ultimately involve the identification of further sites for waste management facilities specifically and maybe for specific types of such facility. Alternatively it could be that it enables confirmation that the range of industrial and existing/former waste management sites available provides adequately for future waste management facility needs, having regard to specific types of facility needed and locations where needed. The preparation of the four area Local Development Plans provides further opportunity to identify sites for waste management uses as required. Given that Scottish Government has only

very recently released certain critical materials, that they do not provide the type and level of information that was originally envisaged, that the above-mentioned work will need to be done and that the HwLDP is at an advanced stage, it would not be appropriate to substantially delay the progression of the HwLDP whilst undertaking this work in order to make significant changes to it on this matter.

In terms of the comments made by SEPA, the Council is happy to amend the policy text to ensure it complies with the up to date policy context. In addressing those comments specifically regarding Annex B of the Zero Waste Plan, the Council's view is that, in continuing to refer to the Zero Waste Plan being a consideration in the assessment of proposals, this *includes* the revised Annex B and accompanying tables. Nevertheless we would be happy to incorporate a minor amendment to the text to note that all proposed waste management facilities should also be assessed against Annex B (specifically the data outlined in the National Need and Capacity Information table). As an alternative, it is also suggested that there is scope to revise the policy wording to state that all proposals for waste management facilities should give consideration to the aforementioned '*national waste management plan*' with an explanation of the documents this encompasses provided in the Plan's glossary. If the reporter is minded to make the latter change then it would be appropriate to make an equivalent change in respect of Policy 72. This option would therefore ensure not only the Zero Waste Plan (including annexes) is covered, but also PAN 63 as sought by SEPA. *This would also cover the matter referred to by the Council in its response under Policy 68 Renewable Energy Developments, in respect of SEPA's Thermal Treatment of Waste Guidelines 2009*

Allocation of Sites

- The Council notes SEPA's support for the allocation of waste management sites.
- The Glen Nevis Business Park allocation is an accepted allocation in the adopted West Highlands & Islands Local Plan. The Council's approach to allocating sites for waste management uses is in line with Scottish planning policy which states that '*locations which are appropriate for industrial or storage and distribution uses are also appropriate for many waste management installations*' (SPP para 216).
- In terms of this particular location, the Council's current position is that a Materials Recycling Facility is likely to be required for the Fort William area – this will have minimal visual impact and will not raise any issues in terms of odour.
- To mitigate any negative effect, the Council will ensure appropriate buffer zones are used where required to create a separation distance between waste facilities and any sensitive receptors. Regardless of location, all proposals will also be assessed with regard to their impact on public health and safety (including local air impact)

Recycling Provision

- The Council is committed to increasing recycling throughout the Highlands however it is difficult to 'retro' fit facilities into existing built up areas. The best opportunities for the Council to ensure provision of new facilities are new developments.
- The Supplementary Planning Guidance has therefore been produced to ensure developers incorporate waste management facilities into all new residential, commercial, industrial and retail developments. Where facilities already exist, developer contributions may be sought instead – this would allow the Council to upgrade such facilities.
- In addition the SG outlines a requirement to provide composting bins for new developments and several home composting schemes have been launched by the Council.

Treatment of Waste

- Burning of waste as part of Energy from Waste (EfW) initiatives is in line with national policy on waste management i.e. Zero Waste Plan and the Council's waste management strategy. EfW is heavily regulated by SEPA to ensure public health and safety is protected

Any further plan changes commended by the planning authority:

The Council commends minor changes to the Plan to reflect the up to date policy position. Specifically this is:

- 1) Removal of references to the Area Waste Plan
- 2) Amendment to policy text to note that all proposals for waste management facilities will be assessed against PAN 63 and the Zero Waste Plan including the National Need and Capacity data OR;
- 3) Amendment to the policy text to note that all proposals for waste management facilities will be assessed against the 'national waste management plan', including provision of an explanation within the glossary to outline the documents this encompasses.

Reporter's conclusions:*Range of solutions*

1. Paragraph 22.5.1 says that waste management "might comprise Energy from Waste plants, In Vessel Composting plants together with a Materials Recovery Facility." Representation 200 seeks a wording that indicates that alternatives will be considered. The reference to no more than one materials recovery facility is a matter of concern. Local reprocessing should be supported. I note that the preceding sentence in paragraph 22.5.1 refers to "locally based solutions." In this context, I interpret the list in the next sentence as being an example of what might be provided in a locality, rather than what might be provided for Highland as a whole. As recognised in the representation, use of the word "might" suggests flexibility. My conclusion is that there is no need to alter the plan in response to these aspects of the representation.

2. Representation 200 sees an undue emphasis on energy from waste, as opposed to sorting, recycling and composting. I find that paragraph 22.5.1 does make particular reference to energy from waste and its utilisation, but not to an extent that is inappropriate.

Supplementary guidance

3. Representation 324 (summarised under issue 2 of this report) invites the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which the guidance is to be based. In relation to this, the reporters sought further information from the Council, with particular reference to paragraph 22.5.2. In its reply, the Council confirmed that this paragraph refers to guidance entitled *Managing Wastes in New Developments*. The Council considers that it would be appropriate to mention the guidance in policy 71. I find that this would give proper weight to the guidance in view of its role as envisaged in paragraph 22.5.2. The Council has suggested text for this purpose. I conclude that this text should be added to the end of policy 71.

References

4. In representation 326, it is recommended that reference to the Area Waste Plan be removed because the Zero Waste Plan is now the material planning consideration in this regard. It is also recommended that reference should be made to Planning Advice Note 63: *Waste Management Planning*. I find that these changes would make the plan more up to date and add clarity to how proposals will be assessed, and I conclude that policy 71 should be amended accordingly.

5. Representation 326 recommends that policy 71 should refer to the National Need and Capacity information that will be included in Annex B of the Zero Waste Plan. The Council accepts this. I find that this would draw attention to an important aspect of the Zero Waste Plan, and that it should be mentioned.

6. At the time of its original representation, Scottish Natural Heritage (118) was awaiting the outcome of the Council's Habitats Regulations Appraisal. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local*

Development Plan Version 1.0 (September 2011). In a letter dated 3 October 2011, Scottish Natural Heritage withdrew its representation regarding policy 71 on the basis that the policy would be altered in accordance with table 7 of the *Appraisal*. The alteration consists of adding to the end of the first bullet point a reference to policy 5. This is to ensure that Natura interests are considered. I find that this alteration should be made.

Identification of sites and related matters

7. Representation 229 acknowledges the Council's support for development at the four identified preferred sites, but contends that the policy should not go on to say that waste management facilities will also be acceptable on other industrial land. Not all industrial land is suitable for such facilities. Some industrial land in Highland is poorly-located in relation to the transport network. The plan should identify which industrial estates would be appropriate for which type of waste management facility. This representation is amplified in letters dated 24 June, 23 August, 30 September and 7 October 2011. The following are seen as critical points:

The proposed plan does not take full and proper account of the Zero Waste Plan and the associated revised Annex B. This renders the plan inconsistent with national policy.

- The proposed plan fails to take full account of the pending Zero Waste (Scotland) Regulations 2011, which are due to come into force shortly.
- Policy and regulatory changes alter significantly the principles on which waste strategy must be formulated.
- The proposed plan must, but fails to, identify specific allocations for waste management infrastructure. Nor does it provide a clear indication of the types of land that are suitable for such development.
- The Council accepts a long-term requirement for full integration into the development plan of the Zero Waste Plan and Annex B. Integration is required now, especially as the proposed plan has a strategic nature.

8. In its response, the Council says that, in preparing a local development plan, the planning authority is to have regard to the national waste management plan. This plan consists of:

- the Zero Waste Plan;
- the National Planning Framework;
- Scottish Planning Policy;
- Planning Advice Note 63: *Waste Management Planning*;
- information provided by the Scottish Environment Protection Agency; and
- Thermal Treatment of Waste Guidelines published by the Scottish Environment Protection Agency.

The Zero Waste Plan was published in June 2010, too late for there to be a full response to it in the proposed *Highland-wide Local Development Plan*. A revised version of the Zero Waste Plan's Annex B was published in February 2011. In the light of this, the Council will be reviewing its waste strategy and also considering effects on non-municipal waste. Detailed implications of the Zero Waste Plan will not be known until the Zero Waste (Scotland) Regulations are finalised.

9. The Council goes on to say that, when it becomes possible to take full account of the Zero Waste Plan, it may be that sites for particular kinds of waste management facility will be identified. Alternatively, it may be that the range of sites already available is adequate to meet future needs.

10. The Council says that the proposed plan allocates four preferred sites for waste management facilities and that proposals for waste management facilities on industrial land will be acceptable. In all cases, stated criteria must be met. The proposed plan complies with national policy.

11. In its original representations (reference 326) regarding the proposed *Highland-wide Local Development Plan*, the Scottish Environment Protection Agency recommended amendment of the plan to delete obsolete reference to the Area Waste Plan and to include references to Planning Advice Note 63 and to need and capacity information in relation to Annex B. In response to the further submissions from Balnagown Estate (229) and the Council, the Agency says that it has little

to add to its original representations.

12. I find that the following excerpts from the national waste management plan are particularly relevant.

The Scottish Government, with local planning authorities and the Scottish Environment Protection Agency, will ensure the land use planning system supports the Zero Waste Plan through the consolidated Scottish Planning Policy (SPP), the revision of waste planning guidance (Planning Advice Note 63) in 2010 and the provision of local waste infrastructure mapping and data. Further information available in Annex B.
(the Zero Waste Plan, page 10, action 15)

.....planning authorities should be mindful of the following:

In preparing local and strategic development plans, planning authorities should set out a locational or spatial strategy which includes waste management development. For all wastes arising in Scotland, this can be achieved either by allocating specific sites for waste management facilities, and/or indicating clearly and positively that land designated for employment, industrial or storage and distribution uses is appropriate for many waste management installations (subject to site specific considerations).....
(the Zero Waste plan, Annex B (revised), paragraph 4.3)

.....as a matter of good practice, planning authorities should seek to identify opportunities that provide the best solutions for delivering enough waste infrastructure to deal with **all** waste arising annually in Scotland.....
(Annex B (revised), paragraph 5.3)

Scottish Planning Policy (SPP) requires that all development plans must identify appropriate locations for **all** waste management facilities, allocating where possible specific sites and providing a policy framework which supports the development of these facilities.....
(Annex B (revised), paragraph 5.4)

Modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Subject to detailed site specific considerations, waste management facilities can be considered appropriate for sites allocated in development plans for employment and industrial use. Development plans must safeguard all active and consented waste management sites and identify appropriate locations for all waste management facilities, where possible on specific sites or supported by a policy framework to facilitate development.
(Annex B (revised) paragraph 5.6)

13. Paragraphs 166 to 170 of the *National Planning Framework for Scotland 2* address municipal, commercial and industrial waste. The terms of paragraph 167 must be read in conjunction with paragraph 3.6 of Annex B, and the terms of paragraph 170 must be read in conjunction with paragraph 3.7 of Annex B. Planning authorities are expected to facilitate provision of a network of waste management installations (paragraph 168). Modern treatment and transfer centres are contained facilities which can be accommodated on industrial estates (paragraph 169).

14. Paragraphs 212 to 224 of *Scottish Planning Policy* address waste management. These paragraphs must be read in conjunction with paragraphs 3.8 to 3.11 of Annex B. Paragraph 216 begins as follows:

Modern waste management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Locations which are appropriate for industrial or storage and distribution uses are therefore also appropriate for many waste management installations.....

15. From the foregoing, I find as follows.

(a) It is appropriate for policy 71 of the proposed *Highland-wide Local Development Plan* to say

that, provided they meet certain criteria, proposals for waste management facilities will be acceptable on industrial land.

(b) It is possible that some industrial land is not suitable for waste management facility development. This is addressed by the criteria in policy 71. To put beyond any doubt that the criteria apply to all proposals, some extra text should be added to the first part of the policy.

(c) The contention that some industrial land in Highland is poorly-located in relation to the transport network has not been rebutted. The criteria set out in policy 71 do not include a requirement that access be suitable for the nature and volume of traffic likely to be generated by the proposed development. This is an important requirement which should be included in the criteria.

(c) Policy 71 provides an adequately clear indication of the types of land that are suitable for waste management facilities.

(d) Policy 71 identifies four specific sites as preferred sites where the Council will support waste management facility proposals. There is no requirement for the plan to seek to identify every site that might be suitable for waste management facilities. There is no requirement for the plan to give separate consideration to individual types of waste management facility.

(e) Parts of the national waste management plan were published after preparation of the proposed *Highland-wide Local Development Plan* was begun. In particular, the revised Annex B was published in February 2011. As a result, the proposed plan does not take fully into account the national waste management plan as the latter now stands.

(f) Some of the text in the proposed plan is inconsistent with the present national waste management plan. This may be rectified if certain alterations to the plan are made. These alterations may properly be included as recommendations in this report, and are so included. If these recommendations are put into effect, the plan will be consistent with national policy.

(g) Based on what is before me at the time of writing, the Zero Waste (Scotland) Regulations 2011 have not yet been laid before the Scottish Parliament. Possible effects of the Regulations on the proposed plan, so far as they may be judged at this stage, do not appear to be so significant as to justify delaying the present examination process.

(h) The previous finding is not based on expediency, but, having made it, I note also the terms of section 16(1) of the Town and Country Planning (Scotland) Act 1997. This requires preparation of local development plans at least every five years and keeping plans under review. To achieve the five-year frequency, I find that, in relation to taking into account new information, there will have to be a "cut-off" point at some stage. Such a point has been reached in relation to waste management matters.

(i) Policy and regulatory changes are likely to make significant alterations to waste management. Policy 71 and its supporting text, if adjusted as recommended, are a suitable basis on which to advance into the new waste management regime.

Glen Nevis Business Park

16. Representation 452 wishes the exact allocation at Glen Nevis Business Park to be identified and minimised. Moreover, a waste facility at this location is incompatible with the business park. I find that it is not necessary for the plan to identify a precise site. The position and extent of a site for waste-related development would depend on the type of facility that might be brought forward. Regarding compatibility, this would be given consideration in relation to any proposal that did come forward because policy 71 makes specific reference to compatibility with surrounding existing and allocated land uses. My conclusion is that the plan need not be altered in response to this representation.

Importation of waste

17. In representation 209, it is contended that policy 71 should prohibit importation of waste from elsewhere. I am not aware of any evidence that shows importation of waste is a problem now or is likely to become a problem within the period covered by the plan. It may be that some waste arising in Highland might be sent elsewhere if it requires specialised treatment not available in Highland. The converse might also apply. From these considerations, I conclude that the policy should not include the suggested prohibition.

Heat plans

18. Representation 200 wishes policy 71 to require submission of a heat plan for proposals where heat is being generated. I note that paragraph 3.6 of Annex B to the Zero Waste Plan refers to a requirement that energy from waste plants achieve high efficiency in terms of energy recovery. In view of this, I conclude that policy 71 need contain no specific reference to heat plans.

Air-borne emissions

19. Representation 254 refers to air-borne emissions. I consider that this aspect is adequately addressed in policy 71 by the reference to “public health or safety impacts”.

Proliferation of mini-centres

20. Representation 174 voices concern that there may be a proliferation of mini recycling centres. I find that this concern relates to the proposed supplementary guidance rather than to the proposed plan, and that, in response to this representation, no alteration to the plan is required.

Other points of concern

21. A number of points raised in the representations are not specifically mentioned in these conclusions. I have considered all these other points. Many relate to matters of waste policy that go beyond the scope of a local development plan. None justifies alteration to the proposed plan.

Reporter’s recommendations:

I recommend the following modifications:

1. In paragraph 22.5.2, delete “Waste Management in New Developments” and replace with “Managing Waste in New Developments.”

2. In policy 71, at the end of the first bullet point (after “Inverness”), put:

(see also Policy 5)

3. In policy 71, at the end of the first paragraph (after the words “.....Class 6 Storage or Distribution”) put:

provided they meet the criteria in the next paragraph.

4. In policy 71, in the paragraph beginning “All proposals.....” and in the second bullet point of this paragraph:

(a) delete “Highland Area Waste Plan,”;

(b) after “the Zero Waste Plan”, insert “(including the National Need and Capacity information)”;

and

(c) after *Scottish Planning Policy*, insert “, Planning Advice Note 63: *Waste Management Planning*”.

5. In policy 71, after the bullet point “minimisation of transport of waste from its source”, insert:
- suitability of the local road network and of the site access to accommodate the nature and volume of traffic likely to be generated by the proposed development;

6. In policy 71, at the end of the second paragraph (after the words “not been pursued”) add a new paragraph:

To help meet recycling targets outlined by the Scottish Government, all new developments involving the creation of additional residential, commercial, retail or industrial units will be expected to comply with the requirements for waste management (such as provision of bins and recycling points) set out in the Council’s supplementary guidance: *Managing Waste in New Developments*.

Footnote: As mentioned in representation 229, the Glen Nevis Business Park has not been given its correct title in policy 71, in map 19 and in the text below map 19.

Issue 72	Safeguarding of Waste Management	
Development plan reference:	Policy 72 (para 22.7, Page 118)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Dounreay Site Restoration Limited (DSRL) (26) Scottish Natural Heritage (SNH) (118) Highlands and Islands Enterprise (HIE) (190) Scottish Environment Protection Agency (SEPA) (326) Highland Portfolio Limited (388)</p>		
Provision of the development plan to which the issue relates:	Safeguarding of waste management sites (p.118-119)	
Planning authority's summary of the representation(s):		
<p><u>Representors providing support for policy:</u></p> <ul style="list-style-type: none"> SEPA support the safeguarding of existing, former and allocated waste management sites from alternative development, and support the safeguarding of the site from development proposals on or adjacent to the site which would adversely affect the operation of a waste management facility on the safeguarded site (326) SEPA support the identification of the existing and proposed waste management sites on Figure 9 (and of identification of the proposed waste management sites on the Proposals Map) (326) <p><u>Representors commenting regarding specific allocations:</u></p> <p><u>- Dounreay</u></p> <ul style="list-style-type: none"> Figure 8 should read figure 9. It is presumed that what is meant here is recycling and municipal or commercial waste facilities. Does the symbol on figure 9 at Dounreay indicate landfill 42 or the new Low Level Waste (LLW) disposal facilities? If Dounreay site is identified for future redevelopment then the waste management site would not be safeguarded. All of the site or parts of it may need to remain licensed and under Regulatory control (26). <p><u>- Glen Nevis Business Park</u></p> <ul style="list-style-type: none"> HIE and a range of businesses have invested considerable funds in developing Glen Nevis Business Park which accommodates contact centres and has proposals for further office provision. This will soon be fully developed and HIE aspire to develop land directly to the east to accommodate expansion. Concerned as to allocation of both the existing business park and aspiration business park expansion for waste management facilities (190, 388) Consider a waste management facility in proximity to likes of a contact centre to be incompatible. Such an allocation would significantly detract from future marketing of premises. The strategic rationale for a waste management facility in this location is unclear because of its business park environment, on the edge of a SSSI, close to housing and remote from arterial road access. The three other sites are landfill sites and are remote from housing, businesses etc and are self contained with direct road access (190) Concerned that Policy 72 safeguards allocated sites from alternative development. (190) <p><u>Representors commenting on the policy's relationship to Longman Landfill policy:</u></p> <ul style="list-style-type: none"> It is unclear how policy 72 sits alongside policy 5 which includes potential for mixed use development. (118) <p><u>Representors commenting regarding policy wording/ policy context:</u></p> <ul style="list-style-type: none"> SEPA recommend that reference to the Area Waste Plan is removed, as the Zero Waste Plan 		

has superseded this document and it is no longer a material planning consideration. (326)

- The policy indicates that former waste management sites will also be identified but it is not clear if this has been done – Figure 9 shows only the existing and proposed waste management sites. We therefore object until the Figure has been amended to clarify this. (326)
- SEPA object unless the wording of the second and third sentences of this policy is amended as follows to provide more clarity: *“Development proposals on or adjacent to existing and allocated waste management sites should not adversely affect the operation of the waste management facility. If the proposed development would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes, for which it will be required, the proposed development on the adjacent site will not be favoured.”* (326)

Representors commenting regarding policy numbering:

- The Proposals Map, page 119 allocates four waste management sites (identified in Policy 71) via Policy 72 and 73. Should the reference on the Proposals Map instead be that the waste management sites are allocated under Policy 71 and Policy 72? (326)

Modifications sought by those submitting representations:

1. Main objection is related to the allocation at Glen Nevis Business Park, as follows:

- Correction to wording required - Ben Nevis Estate is wrongly annotated 'Business Park'. The current wording, 'Glen Nevis Industrial site' should be replaced with 'Glen Nevis Business Park(190)
- The current recycling facility in the Ben Nevis Estate is not within the waste management allocation (assume they believe this should be allocated)
- Remove waste management allocation of existing business park (and any expansion of it – assumed). A more appropriate location should be identified. (190)

2. Representors also highlight incorrect information:

Reference to Area Waste Plan should be removed (superseded by Zero Waste Plan) (326)

Former waste management sites should also be identified on the Map as stated in the policy text (326)

3. SEPA seeking amendment to policy wording:

2nd and 3rd sentences to policy to say *‘development proposals on or adjacent to existing and allocated waste management sites should not adversely affect the operation of the waste management facility. If the proposed development would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes, for which it will be required, the proposed development will not be favoured’*

*Explanation of how this policy sits with policy 5 is explained in the Policy 5 Schedule 4)

4. Dounreay

Clarification required regarding existing facility at Dounreay highlighted on map

Summary of responses (including reasons) by planning authority:

1. Glen Nevis Business Park

The Council notes SEPA’s support for the safeguarding of waste management sites. The Glen Nevis Business Park allocation has already been accepted in the adopted West Highlands and Islands Local Plan. Well managed waste facilities are an entirely appropriate use for the area and in line with Scottish Planning Policy which directs such facilities to industrial sites. Buffer zones will be used where appropriate to ensure separation distances from sensitive receptors. The Council’s current position is that a Materials Recycling Facility is likely to be required for the Fort William area,

which will have minimal visual/ odour impact.

2. Incorrect information

Noted – the Council would be happy for the text to be updated.

3. Changes to policy wording

In writing Policy 72 the Council have sought to ensure that sites such as the former Longman landfill site are not precluded from alternative development that would bring the land back into productive use and provide a benefit to the city of Inverness. The Council are not averse to re-wording of the policy as suggested subject to the retention of the statement *‘except where demonstrated to be surplus or no longer suitable to meet future requirements or where they have been allocated in the development plan for redevelopment’*.

An amendment to this policy is also required to reflect up to date policy context in terms of the assessment of proposals – that is

1) removal of reference to Area Waste Plan (superseded by Zero Waste Plan) and;

2) inclusion of reference to PAN63 and specific reference to Zero Waste Plan Annex B (including National Need and Capacity Information). Full details of required amendment are in Schedule 4: Policy 71 – Waste Management Facilities

4. Dounreay

The existing waste management facility flagged on the map (figure 9) is indicative of Landfill 42. Whilst policy 72 would be a consideration in the determination of any future planning application related to this area, the forthcoming Dounreay Planning Framework would take precedent given it specifically deals with redevelopment of this area. This document will go out to consultation in around late summer/autumn this year.

Any further plan changes commended by the planning authority:

Change to amend error in mapping – map 21 Longman Landfill needs amended to include the area SE of the Mill Burn as part of the allocation (see map for policy 5: Former Longman Landfill site)

Correction needed to policy wording

Amendment to text to reflect up to date policy position (detailed above in and Schedule 4: Policy 71 – Waste Management Facilities)

Reporter’s conclusions:

General

1. Representation 26 notes that, in policy 72, the reference to “Figure 8” should read “Figure 9”. I find that the correct reference is to Figure 9.

2. Policy 72 contains a reference to the Highland Area Waste Plan. Representation 326 seeks deletion of this reference, on the basis that the plan is superseded by *Scotland’s Zero Waste Plan*. The Council has no objection to this. My conclusion is that this deletion should be made.

3. Representation 326 contends that there is a lack of clarity because policy 72 includes reference to former sites but the related Figure 9 does not show former sites. I note that the first sentence of policy 72 begins “Existing, former and allocated strategic waste management sites (identified on Figure 9).....” Figure 9 is not consistent with this. It refers to waste facilities rather than waste management sites. It shows sites of existing and proposed waste facilities, but does not show sites of former facilities. It makes no reference to “strategic” sites.

4. In response to a request for further information, the Council states that the preferred term is “strategic waste management sites.” I find that the text on Figure 9 should be amended accordingly. The Council also acknowledges that former sites are not shown on Figure 9, and suggests that a footnote should be added to this effect. I find that it would be clearer to adjust the wording of the policy, rather than make use of a footnote.

5. Representation 326 raises objection to the second and third sentences of policy 72 because there should be more clarity. New wording is suggested. I note that the new wording omits reference to the four documents mentioned in the original wording. The Council is not averse to rewording. What both wordings are seeking is a presumption against development that would inhibit operation of an existing facility or establishment of a new facility on a site identified for that purpose. I find that some rewording would increase clarity and that the policy should refer to documents relevant to the issues that are being addressed in the policy. My conclusion is that the policy should be adjusted accordingly.

Dounreay

6. Representation 26 refers to Figure 9 and indicates that it is not clear whether the symbol at Dounreay represents Landfill 42 or the new LLW disposal facilities. In its response, the Council says that the symbol represents Landfill 42. My conclusions are that the plan is not clear, and that Figure 9 should make plain which sites are represented by the symbols. Figure 9 should be altered accordingly.

Glen Nevis Business Park

7. Representations 190 and 388 contend that any proposal for waste management facilities at Glen Nevis Business Park would be incompatible with existing and proposed development at the business park. In its response, the Council refers to *Scottish Planning Policy*, to the likely nature of the facilities and to the adopted local plan.

8. *Scottish Planning Policy* (paragraph 216) notes that modern waste management infrastructure is designed and regulated to high standards. “Locations which are appropriate for industrial....uses are therefore also appropriate for many waste management installations.” I find that this section of paragraph 216 is not wholly apposite, in that it refers to industrial uses but not to business park uses.

9. The Highland and Islands Local Plan was adopted in September 2010. The settlement plan for Fort William depicts the Glen Nevis Business Park with the same boundary as that shown on Map 19 in the proposed *Highland-wide Local Development Plan*. Page 66 of the adopted local plan includes the following.

Glen Nevis Business Park: - Allocated for business and industrial uses, including waste management facilities. Development to be dependent on the approval of a masterplan for the site, which should address access, layout and distribution of uses, and design principles, including landscaping.....

10. I find nothing in the representations to show that circumstances have changed to any significant extent since adoption of the local plan. Paragraph 78 of Circular 1/2009: *Development Planning* includes the following.

The [reporter] should generally not recommend modifications to parts of plans that have been.....rolled forward from previous plans, unless circumstances have clearly changed.

With this advice in mind, and with some encouragement from paragraph 216 of *Scottish Planning Policy*, my conclusion is that Glen Nevis Business Park should continue to be included in the *Highland-wide Local Development Plan* as a preferred site for waste management facility proposals.

11. It should be noted that policy 71 does not give unconditional support to development of waste

management facilities at the Glen Nevis Business Park (and elsewhere). Support is given only if certain criteria – including compatibility – are met. I find that this reinforces the conclusion in the previous paragraph.

Longman Landfill Site

12. Representation 118 contends that it is not clear how safeguarding the Longman Landfill Site for waste management tallies with the mixed-use allocation in policy 5. In its response, the Council says that it seeks to ensure that the site is not precluded from development that would bring the land back into productive use and provide a benefit to the city.

13. In its response to a request for further information (letter dated 12 September 2011), the Council describes numerous matters that require investigation at the Longman Landfill Site. Until investigation is complete, it is not possible to determine what mix of new uses (if any) may be acceptable.

14. I find that the eventual mix of uses identified for the Longman Landfill Site could well include waste management and other uses compatible with waste management. From this, my conclusion is that there is no reason to exclude the site from policy 71 and the consequent safeguarding in policy 72.

Reporter's recommendations:

I recommend the following modifications:

1. In the first sentence of policy 72, delete "(identified on Figure 8)".
2. After the first sentence of policy 72, insert a new sentence:

Existing waste management sites and proposed strategic waste management sites are shown on Figure 9.

3. In policy 72, delete the last two sentences ("Development proposals on or adjacent.....will not be favoured.") and in their place put the following three new paragraphs:

Development that is proposed adjacent to or in the vicinity of an existing waste management facility and that would be likely to adversely affect the present or future operation of the facility will not be favoured.

Development that is proposed on, adjacent to, or in the vicinity of a site that is identified for provision of a new waste management facility and that would be likely to make the site unavailable or unsuitable for the provision of the new facility will not be favoured.

In assessing development of the kinds described in the preceding two paragraphs, the Council will take into account *Scottish Planning Policy*, *Scotland's Zero Waste Plan* (in particular Annex B), Planning Advice Note 63: *Waste Management Planning* and, where relevant, the Council's Municipal Waste Strategy.

4. On figure 9:

- (a) change the title to "Existing and Proposed Waste Management Sites";
- (b) in the legend, delete "Site of existing waste facilities" and put instead "Existing waste management site"; and
- (c) in the legend, delete "Site of proposed waste facilities" and put instead "Proposed strategic waste management site".

5. On Figure 9, identify every site by name (as is already the case for the four strategic waste management sites) or by number (if each site has a numerical reference which will be meaningful to plan users).

Issue 73	Pollution	
Development plan reference:	Policy 73 (para 22.15, Page 122)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
Elizabeth Budge (148), SEPA (326)		
Provision of the development plan to which the issue relates:	Policy on Pollution	
Planning authority's summary of the representation(s):		
<p>Prevention of Pollution is vital. It is a major plus for the Highlands and Islands for residents and visitors alike. It may well be the last area to be unaffected if we look after it (148).</p> <p>SEPA support this policy but recommend that the wording of this policy be amended to emphasise the requirement to avoid pollution in the first instance. (326)</p>		
Modifications sought by those submitting representations:		
<p>SEPA seeks amendment of the policy wording of the first paragraph of 22.15.1 as follows: "Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated". (326)</p>		
Summary of responses (including reasons) by planning authority:		
<p>The proposal to amend the first paragraph of 22.15.1 as indicated above would seem an appropriate modification in order that the requirement for the avoidance of pollution in the first instance is emphasised.</p>		
Any further plan changes commended by the planning authority:		
None.		
Reporter's conclusions:		
<p>Further information received</p> <p>1. In response to a request from the reporter for clarification of the status of the guidance note entitled "Construction Environmental Management Process for Large Scale Projects", which is referred to in the last paragraph of the policy, the Council stated that it was not intended that this document should be adopted as Supplementary Guidance. It will not therefore form part of the adopted plan. It was indicated that the document simply provided advice on best practice for developers involved in Environmental Impact Assessments for large scale projects.</p> <p>Representations</p> <p>2. These representations, while indicating support for the general thrust of the Council's approach to dealing with pollution issues, seek the inclusion in the policy of a reference to the requirement to ensure that whenever possible efforts are made to avoid the creation of noise, air, water or light</p>		

pollution in the first instance. It is emphasised that only if avoidance cannot be achieved should measures to mitigate any adverse effects be considered. The Council acknowledges that there is merit in the proposal by SEPA to amend the first paragraph of Policy 73 to reflect these concerns.

3. Given the importance to the economy of the Highlands of protecting the area's important environmental assets and safeguarding its valued high standard of amenity, I agree that it would be appropriate to emphasise the desirability of preventing, in the first instance, the creation of any new sources of pollution, in whatever form they may occur. I agree that mitigation of the impact of pollution should therefore be seen as only a secondary response when avoidance cannot be achieved. I therefore conclude that a minor change to the wording of the first paragraph of Policy 73 is required to reflect this point.

Reporter's recommendations:

I recommend the following modification:

Delete the first paragraph of Policy 73, as set out in paragraph 22.15.1, and it replace with the following:

Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Issue 74	Air Quality	
Development plan reference:	Policy 74 (para 22.17, Page 122)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
John Waring (250) Eveline Waring (253) Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Air Quality policy	
Planning authority's summary of the representation(s):		
Any development that has a proven negative effect on the air we breathe should not be approved (250, 253). SEPA support this policy. (326)		
Modifications sought by those submitting representations:		
More restrictive policy (assumed) (250,253)		
Summary of responses (including reasons) by planning authority:		
The air quality policy will only allow development which may have a detrimental affect on air quality, or be in proximity to potential areas with existing air quality issues, where appropriate provisions have been brought forward, ensuring the impact on the air quality will be minimal and therefore will not become an issue with regard to human health. The Council consider the policy sufficiently safeguards human health and to have a further restrictive policy may prohibit economic growth.		
Any further plan changes commended by the planning authority:		
None.		
Reporter's conclusions:		
<p>1. The representations (250 and 253) seek a strengthening of the policy wording to ensure that any development which may have a negative effect on the air quality of an area is refused planning permission. I recognise the importance of maintaining and where possible improving air quality. In my view, the policy as presently worded adequately safeguards these objectives without being overly prescriptive or unduly restrictive. The policy makes it clear that any proposal, either on its own or when taken together with existing developments in an area, that may have an adverse effect on air quality and could cause harm to human health or the environment will require to be the subject of detailed consideration by the appropriate regulatory and control bodies.</p> <p>2. As indicated in the supporting text to Policy 74, the National Air Quality Strategy provides the</p>		

necessary framework and standards for assessing air quality. The document also sets out the maximum concentration levels of air pollutants which are permissible in those areas where the public may be present. As a result, proposals that raise air quality issues will be the subject of some form of detailed technical assessment of their impact on air quality. Such assessments will need to be undertaken in a form that satisfies the regulatory requirements of both SEPA and those with responsibilities for environmental health matters in the Council. I note that SEPA has indicated that it is supportive of the approach set out in the policy.

3. In these circumstances, I consider that the policy as presently worded in the plan is adequate and appropriate for the purpose. In my view, the policy satisfactorily sets out the context for the detailed consideration at a later stage of developments that may raise air quality issues. It also provides a framework which will enable any public health concerns relating to possible air pollution from a proposed development to be to be addressed.

Reporter's recommendations:

I recommend no modification.

Issue 75	Green Networks	
Development plan reference:	Policy 75 (para 23.2, Page 123)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Royal Society for the Protection of Birds Scotland (RSPB) (78) Scottish Natural Heritage (SNH) (118) Glen Urquhart Community Council (174) Scottish Wildlife Trust (285), Scottish Environment Protection Agency (SEPA) (326) Moray Council (403) M Gilvary (453) Cawdor Estates for the Trustees of Cawdor Scottish Discretionary Trust (535)</p>		
Provision of the development plan to which the issue relates:	Policy 75 – Green Networks	
Planning authority's summary of the representation(s):		
<p>Objections to the policy</p> <ul style="list-style-type: none"> • Green Networks are not adequately defined. (535) • Proposals have not yet been made for green networks and it is therefore impossible for stakeholders to understand and appreciate the significance of this Policy, which locations it might effect or exactly how. (535) • The green network proposals have not been identified on any plan, map or by any technical description. (535) • The policy is therefore contrary to Scottish Planning Policy which states “<i>only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan.</i>” (535) • Policy 75 also has the potential to contradict many other parts of the HWLDP in due course. (535) • Policy could encourage developer contributions to green networks outwith the locale of the development. (535) <p>Support for the Policy</p> <ul style="list-style-type: none"> • The Scottish Wildlife trust welcomes this policy. (285) • Happy to see green networks included in the plan but as currently worded the policy indicates that green networks only exist where identified by the council. (118) • Support concept. (174) • The Highland Council's proactive stance towards developing green networks is noted and supplementary guidance welcomed. This is particularly important in areas where development pressure is greatest, such as the Inner Moray Firth, and the planning of green networks as a basis for design rather than retrospectively is supported. (403) • Support the policy. (326) • Support for the policy. (453) <p>Modification to Green Network areas</p> <ul style="list-style-type: none"> • It would be preferable if Figure 10 showed a green network study area between Beaully and Muir of Ord as well as areas between Invergordon and Tain. (118) • The focus should be wider from the outset taking in more areas in Highland (78). 		

Modifications sought by those submitting representations:

- Further define Green Networks;
- Define green network proposals on a map;
- Ensure the policy does not seek to secure inappropriate developer contributions;
- Policy 75 be reworded to, “Green networks should be protected and enhanced. Development affecting green networks should seek to avoid fragmentation and/or improve connectivity, where appropriate. Detailed identification of the green network around regional and sub regional centres (see Figure 10) will be carried out by the Council using the methodology described in Green Networks: Supplementary Guidance. Pending identification in these areas by the Council, and outwith these areas, developers should identify, protect and enhance green networks using the methodology in the guidance.” (118)
- Modify Figure 10 to include the entire Inner Moray Firth area from Inverness round and up to Tain. (118)

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

The policy is grounded in [Scottish Planning Policy](#) (Para. 130) which states: “*Development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats in the city regions and in and around other towns and cities.*”

Definition of Green Networks

The definition of what a green network can consist of is included within the Highland wide Local Development Plan Glossary and within the [Green Networks: Draft Supplementary Guidance](#) (Page 4). At present the broad areas in which the Council will identify green networks are shown on Figure 10 of the Highland wide Local Development Plan. It is not possible to accurately map green networks and delineate the boundaries of them as they are made up of a number of components which are fluid in nature (such as habitats). It is considered the [Green Networks: Draft Supplementary Guidance](#) (Page 4) adequately defines what a green network is and the principles behind the concept.

Proposals for a Green Network are not defined

The guidance outlines a series of green network principles which are the key considerations which all planning applications will be assessed against to ensure a setting in which high quality, sustainable growth can occur. The [Green Networks: Draft Supplementary Guidance](#) (Appendix 2, Page 41) has defined specific priorities for delivery of a green network and more may be identified over time, however the guidance focuses on projects and proposals which are deliverable and defined. The main land use project is related to the delivery of a paths and trails network in the area and this is defined on a map contained within the guidance, with clear guidance on how the network can be delivered.

Policy wording

Developer contributions – it is not the Council’s intention to seek developer contributions which are unrelated to the development from which they are sought. This would be contrary to the tests contained within [Circular 1/2010](#) (Para. 11-22). The Council’s approach to developer contributions is set out within Policy 32 – Developer Contributions of the Highland wide Local Development Plan.

Scottish Natural Heritage – Alternative policy wording has been suggested to ensure that the green network principles contained can be applied across the whole of the Council area rather than just in the areas defined on Figure 10. It is the intention of the policy, as worded, to be applied across the Council area and not just within the areas defined on Figure 10, however the suggested change to the wording is considered to make the this approach clearer.

Modification of Figure 10

Inclusion of a further area of Highland within the area where green networks are to be identified. It is considered appropriate to include the suggested area as it is also an area where there may be

development pressure in the life of the development plan and it will be important to ensure a setting is provide in which high quality, sustainable growth can occur.

It is considered that if further areas outwith the areas where there are development pressure would be an inappropriate use of resources as the green network principles set out in the [Green Networks: Supplementary Guidance](#) (Page 7-8) will be consistently applied Highland wide. The areas which are identified on Figure 10 are the areas where development pressure may lead to the need for green network projects being identified, following a detailed mapping exercise undertaken using the methodology outlined in the guidance.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Further information received

1. In response to a request from the reporter for a statement of the policy objectives and general scope of the supplementary guidance referred to in Policy 75 on green networks, the Council has indicated that it would support the inclusion of the following wording being added at the end of the existing policy to explain the key principles of the guidance:

The main principles of the guidance are to:

- help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;
- set out a methodology for identifying the Highland Green Network;
- enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and
- set out mechanisms for delivery of projects to maintain and enhance the existing green network.

2. I consider that the addition of this text would assist in clarifying the scope and justification for the supplementary guidance. I believe therefore that it is appropriate to include the proposed additional text on supplementary guidance in the revised version of the policy included in my recommendation below.

Conclusions

3. I note that the representations from Scottish Natural Heritage (118), The Scottish Wildlife Trust (285), SEPA (326), The Royal Society for the Protection of Birds, Scotland (RSPB) (78), Glen Urquhart Community Council (174) and M Gilvray (453) have welcomed the inclusion of this policy and are generally supportive of its objectives. I appreciate that SNH have suggested some rewording of the policy to make its intentions clearer and an extension of the study area included in Figure 10 within which green networks are to be identified in the first instance. In addition, I am aware that RSPB would wish the Council to take a wider focus when considering the implementation of Green Networks across the plan area.

4. Dealing with SNH's suggestions for the rewording of the policy, I consider that the existing version of the policy infers that it would only be applicable within the areas currently identified in Figure 10, where Council has stated that it is to undertake further studies to identify potential 'green networks'. I note that the Council has indicated this is not the case and that the approach outlined in the policy regarding the identification of 'green networks' is intended to be applicable across the whole of the plan area. In my view, the revised version suggested by SNH more accurately reflects this intention and more clearly expresses how the process will be taken forward over time. I therefore consider that in order to provide greater clarity of its purpose the policy should be changed in line with the suggestion made by SNH, subject to some further minor word changes which I believe remove any ambiguity.

5. With respect to the suggested changes to Figure 10, SNH considers that the map implies that the

Council will only identify 'green networks' in the Moray Firth area between: (i) Inverness and Nairn; and, (ii) Dingwall and Invergordon. SNH indicates that it would be more appropriate if the proposed study area was extended to include other identified local centres. This would involve extending the study area westwards from Inverness to Beaulieu; adding the corridor from Beaulieu to Dingwall (including the centres at Muir of Ord and Conon Bridge); and the area between Invergordon and Tain. The Council has indicated that as the suggested additional areas are experiencing significant development pressure it is important to ensure that they are provided with a setting in which high quality sustainable growth can occur. Consequently, the inclusion in Figure 10 of the additional areas suggested by SNH is supported by the Council. Given the limited resources available to implement the policy, the Council would not however wish the study area to be enlarged beyond these areas at this time. In my view, there is merit in extending the study area for the identification of 'green networks' to reflect the wider area around the Moray Firth which is experiencing development pressure and where the Council is proposing to allow significant growth. I therefore conclude that Figure 10 should be changed to include the areas suggested by SNH.

6. Representation 535 opposes the policy as currently presented. Dealing with the points of concern raised in the representation, I note that Scottish Planning Policy at paragraph 130 states that development plans should identify and promote 'green networks' where this would add value to the provision, protection, enhancement and connectivity of open space and habitats in and around towns. I consider that this requirement provides clear justification for including Policy 75 in the plan. The representation expresses concern that the policy is very general and does not contain specific proposals. I consider that the policy establishes the principles underpinning the identification of the 'green networks' and indicates that further work is to be undertaken to define in detail the areas and corridors which will be involved. In my view, this a reasonable and pragmatic approach the results of which can be included at a future date in the forthcoming area local development plans.

7. Concern was also raised that there was no satisfactory definition of what the 'green network' would comprise. On this point, I note that the glossary in the plan, at page 131, explains the concept and sets out its key objectives. This definition, together with the locational information included in Figure 10 and the additional guidance included in the Council's "Green Networks: Supplementary Guidance", adequately explain the principles behind the proposal and its geographic extent. I do not therefore believe that the policy is insufficiently clear. Furthermore, I do not accept that the policy is necessarily in conflict with other policies in the plan as alleged in the representation. Lastly, the plan's approach to developer contributions is set out in Policy 32. I consider that Policy 32 is consistent with the relevant guidance on the matter included in Scottish Government Circular 1/2010. I therefore have no evidence to suggest that Policy 75 will be used to extract developer contributions which are unrelated to developments that are granted planning permission.

Reporter's recommendations:

I recommend that the following modification be made:

Policy 75 as set out in the plan should be deleted and replaced with the following:

Policy 75 Green Networks

Green networks should be protected and enhanced. Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network and take steps to improve its connectivity, where this is appropriate. The detailed identification of green networks around regional and sub regional centres (see Figure 10) will be carried out by the Council using the methodology described in the document 'Green Networks: Supplementary Guidance'. Pending identification by the Council of green networks, both within the study areas and elsewhere, developers should identify, protect and enhance the existing network of green spaces and green corridors which link built-up areas to the surrounding countryside, using the methodology in the supplementary guidance. The main principles of the guidance are to:

- help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;
- set out a methodology for identifying the Highland Green Network;
- enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and
- set out mechanisms for delivery of projects to maintain and enhance the existing green network.

Issue 76	Open Space	
Development plan reference:	Policy 76 (para 23.3, Page 123)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Kingussie & Vicinity Community Council (93) John Waring (250) Eveline Waring (253) Homes for Scotland (293) Sportscotland (320) M Gilvray (453)</p>		
Provision of the development plan to which the issue relates:	Open Space policy	
Planning authority's summary of the representation(s):		
<p>Support for policy: Guidance of open space provision is good especially the contextual requirement. It is essential that good designers are involved at this stage and that The Highland Council has adequately trained resources to support & implement the policy (453)</p> <p>Satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)</p> <p>If you are serious about the health of the community then multi purpose indoor facilities should be provided as well as open space (250, 253).</p> <p>Support stance that high quality and fit for purposes open spaces should be safeguarded from inappropriate development. (93)</p> <p>Connection to Supplementary Guidance: There must be appropriate connection between Supplementary Guidance and the LDP. (293)</p>		
Modifications sought by those submitting representations:		
<p>Seek inclusion of policy to promote development of indoor sports facilities (250,253)</p> <p>The key policy guidance contained in the Open Space in New Residential Development Supplementary Guidance must be included within the Local Development Plan. (293)</p>		
Summary of responses (including reasons) by planning authority:		
<p>Inclusion of policy on indoor sports facilities The Highland Council are in the process of completing work on facilities planning modelling which will identify the need for all types of sports facilities both indoor and outdoor. The results of this will feed into the area Local Development Plans where, if appropriate and funding can be sought, land will be allocated for this type of land use.</p> <p>Connection to Supplementary Guidance Policy 76 of the Highland wide Local Development Plan seeks to protect and enhance the provision of open space in Highland. The aim of the supplementary guidance is to provide guidance on how</p>		

the provision of open space can be enhanced through new residential developments. Therefore it is considered that there is a clear link between the second paragraph of the policy and the contents of the supplementary guidance. It is intended that the [Open Space in New Residential Development: Supplementary Guidance](#) will be adopted as a Statutory Supplementary Guidance, therefore giving it equal weight in the decision making process.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Further information received

In response to a request from the reporter, regarding the status of the supplementary guidance and an explanation of the main principles which underpin it, the Council has indicated that it is intended that the supplementary guidance will be adopted and will form part of the development plan. In addition, it was suggested that Policy 76 should be reworded to set out the underlying principles. The amended policy suggested by the Council would read as follows:

"The Council's long term aim for open space provision is for:

- *the creation of sustainable networks of open space of high quality;*
- *areas of local open space that are accessible by foot and linked to a wider network;*
- *fit for purpose greenspaces and sports facilities that support and enhance biodiversity; and*
- *open spaces that improve the quality of life of residents and visitors.*

To achieve these aims any new residential development of 4 or more dwellings are required to provide publicly accessible open space in line with the quantity, quality and accessibility requirements of the [Open Space in New Residential Development: Supplementary Guidance](#).

High quality, accessible and fit for purpose open spaces will be safeguarded from inappropriate development and enhancement will be sought, where appropriate. All sites identified in the [Highland Council's Audit of Greenspace](#) will be safeguarded unless:

- *it can be suitably demonstrated that the open space is not fit for purpose;*
- *substitute provision will be provided meeting the needs of the local area; or*
- *development of the open space would significantly contribute to the spatial strategy for the area."*

Conclusions

1. With respect to representations 250 and 253, I note that they seek support for the development of a number of multi-purpose indoor sports centres throughout the Highlands. However, I am not persuaded that this policy is the appropriate place to deal with this matter. Policy 76 deals with the issues of the safeguarding of existing areas of open space and the need for the provision of appropriate levels of open space in new residential developments. The question of the provision of indoor sports halls is an important matter, but not one that I consider can be satisfactorily dealt with in this policy.

2. I am also aware that the Council has been involved in the development of a facilities planning model, which is examining the quantity, quality, accessibility and demand for sports centres and other forms of recreational provision. In my opinion, the results of this work can more appropriately be included in the forthcoming area local development plans, which will look in more detail at the needs of specific localities. Subject to adequate funding being made available, land can then be allocated at the local level for particular types of recreational facilities, including sports centres. In these circumstances, I do not consider that it is necessary to make reference to the provision of indoor sports facilities in this policy, which is intended to provide a broad overview of open space provision. Within the strategic framework provided by the policies of the Highland-wide plan, the forthcoming area local development plans will be expected to deal with more detailed matters, including the

allocation of land for particular uses such as sports centres. The concerns regarding the need for improved provision for sport can therefore best be addressed at that stage.

3. Turning to the representation from Homes for Scotland (293), this suggests that there is insufficient connection between the supplementary guidance on open space and the policy. The representation indicates that the main principles underpinning such guidance should be set out in the plan and only detail matters included in the supplementary guidance. On this point, I am aware that the council has undertaken work, in conjunction with a specialist consultancy, to prepare guidance on appropriate levels of open space and recreational provision in new residential developments.

4. In addition, as referred to above, the Council has now clarified that the intention is that the supplementary guidance referred to in this policy will be adopted. I note that the Council has also provided a statement setting out the main principles which underpin this guidance. As the Council has stated, Policy 76 is designed to protect and enhance the existing areas of open space. The role of the supplementary guidance is to provide guidance on how open space provision can be enhanced through the creation of additional areas of open space in new residential developments. Given this context, I consider that there is a clear connection between the policy and the contents of the supplementary guidance. In these circumstances, I do not believe that this particular policy is inconsistent with the guidance in SPP regarding the use of supplementary guidance.

5. In conclusion, I believe that the concerns raised in this representation can be satisfactorily addressed provided that Policy 76 is reworded along the lines suggested by the Council. I consider that the policy requires to be changed to include reference to the key principles which underpin it and to clarify the relationship between the policy and the associated supplementary guidance. In my view, such changes are both necessary and appropriate in order that the clarity and understanding of the Council's policy intentions are made clear. Subject to some minor rewording, I therefore recommend that the policy should be modified as suggested by the Council.

Reporter's recommendations:

I recommend that the plan be modified as follows:

Delete Policy 76 and replace it with the following:

Policy 76 Open Space

The Council's long term aim for open space provision is for:

- the creation of sustainable networks of open space of high quality;
- areas of local open space that are accessible by foot and linked to a wider network;
- fit for purpose greenspaces and sports facilities that support and enhance biodiversity; and
- open spaces that improve the quality of life of residents and visitors.

To achieve these aims any new residential development of 4 or more dwellings will be required to provide publicly accessible open space in line with the quantity, quality and accessibility requirements set out in the Open Space in New Residential Development: Supplementary Guidance.

Existing areas of high quality, accessible and fit for purpose open space will be safeguarded from inappropriate development and enhancement will be sought, where appropriate. All sites identified in the Highland Council's Audit of Greenspace will be safeguarded unless:

- it can be suitably demonstrated that the open space is not fit for purpose;
- substitute provision will be provided meeting the needs of the local area; or
- development of the open space would significantly contribute to the spatial strategy for the area.

Issue 77	Playing Fields and Sports Pitches	
Development plan reference:	Policy 77 (para 23.6, Page 125)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
Kingussie & Vicinity Community Council (93) Scottish Natural Heritage (118) sportscotland (320)		
Provision of the development plan to which the issue relates:	Playing Fields and Sports Pitches	
Planning authority's summary of the representation(s):		
<p>Question Council's ability in relation to the satisfactory maintenance of these areas given the current financial climate and associated reduction in Council employees (93)</p> <p>As part of the Habitats Regulations Appraisal of the plan a cross-link to other policies of the plan should be included. (118)</p> <p>sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)</p>		
Modifications sought by those submitting representations:		
Augment final sentence of policy to read, "...except where in addition to consideration under other general policies in the plan." (118)		
Summary of responses (including reasons) by planning authority:		
<p>The maintenance of existing playing fields and sports pitches is subject to existing arrangements. Any new playing field or sports pitch would be expected to follow the Council's preferred approach to management and maintenance as outlined in Open Space in New Residential Development: Interim Supplementary Guidance (Section 1, .Pages 22-25).</p> <p>The additional wording suggested would be a result of the Habitats Regulations Appraisal of the Plan.</p>		
Any further plan changes commended by the planning authority:		
None.		
Reporter's conclusions:		
<p>1. The points raised in representation 93 relate to detailed concerns regarding the council's ability to fund on a continuing basis the satisfactory maintenance of playing fields and sports pitches within the plan area. However, the main thrust of the policy is to establish the principle that land in use as playing fields should be retained and safeguarded from other forms of development. The policy therefore emphasises that the redeveloped of such land for an alternative uses will only be supported in exceptional circumstances.</p>		

2. Given the important role playing fields and sports pitches play in providing formal recreational opportunities and areas of open space for communities, I consider that this is a matter on which it is appropriate for the plan to include a statement of the council's general policy position. Land in use as playing fields is under continuing pressure from developers seeking to achieve more intensive forms of built development. As indicated in Scottish Planning Policy (SPP), this is an issue that requires to be addressed in development plans. I note that the approach set out in Policy 77 is consistent with the guidance set out in paragraph 156 of the SPP. I am also aware that the representation from sportscotland (320) indicates the agency's support for the approach adopted in the plan towards the safeguarding of playing fields and sports pitches. Drawing these matters together, I do not consider that issues raised in representation 93 justify any change in the plan. Concerns regarding the future funding of maintenance are not matters which it is necessary or appropriate to include in this plan, which is intended primarily to set out the overall spatial vision and strategic planning policies for the area.

3. I note that Scottish Natural Heritage (118) has indicated that as part of the Habitat Regulations Appraisal of the plan there should be an acknowledgement that the provision of Policy 77 must be considered in the context of the other policies in the plan. In this representation, SNH proposed that the first part of this policy should be altered through the inclusion of additional words making it explicit that the policy had to be read in conjunction with the other policies in the plan. However, in a letter of 3 October 2011 which sets out SNH's comments on the Habitats Regulations Appraisal record, prepared by the Council, it is indicated in Schedule 1 that the addition of a new paragraph 3.8.4 in the plan would be an alternative way of dealing with this matter. The new paragraph would emphasise that planning applications will be assessed against all the policies and legislation relevant to a proposal and that conformity with a single policy or element of the council's strategy does not necessarily indicate that a proposed development would be acceptable. I consider that if the additional paragraph (3.8.4) is included in the plan then this would be sufficient to satisfactorily deal with the points raised SNH's representation.

Reporter's recommendations:

Provided the additional paragraph 3.8.4 is included in the plan in response to the conclusions of the Habitats Regulations Appraisal, there is no requirement to make any modification to this policy. (See Issue 82)

Issue 78	Public Access	
Development plan reference:	Policy 78 (para 23.8, Page 126)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
The Mountaineering Council of Scotland (MCS) (2) Scottish Natural Heritage (SNH) (118)		
Provision of the development plan to which the issue relates:	Public access provisions as listed within in the policy.	
Planning authority's summary of the representation(s):		
<p>The Mountaineering Council of Scotland (2) welcomes the requirement for an Access Plan for Major Developments and that any alternative access is "no less attractive, safe and convenient for public use."</p> <p>Scottish Natural Heritage (118) request as part of the Habitats Regulations Appraisal of the Plan that modifications should be made to the wording related to alternative provision. They also feel that a link should be added offering guidance on the preparation of an outdoor access plan.</p>		
Modifications sought by those submitting representations:		
<p>2nd bullet point should read, "...that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats" (118).</p> <p>A link to guidance relating to the preparation of an outdoor access plan should be added:</p> <p>http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/greenspace-and-outdoor-access (118)</p>		
Summary of responses (including reasons) by planning authority:		
<p>The Council agree that the second bullet point should be amended to read "ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats" as per Scottish Natural Heritage's request.</p> <p>The Council agree that a link to the guidance relating to the preparation of an outdoor access plan should be added as per Scottish Natural Heritage's suggestion:</p> <p>http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/greenspace-and-outdoor-access</p>		
Any further plan changes commended by the planning authority:		
<p>Amend 2nd bullet point of policy as indicated above.</p> <p>Inclusion of link to SNH website</p>		

Reporter's conclusions:**Further information received**

1. In response to a request from the reporter seeking clarification of the intended status of the proposed supplementary guidance on access and an explanation of its main principles, the council suggested that the following text should be inserted into the policy:

"The principal aims of the Access Strategy are to:

- develop a comprehensive access network for a wider range of abilities and interests;*
- encourage local communities and user groups to work in partnership with land managers in the development of better facilities and to support rural economies;*
- provide access opportunities which conserve and enhance local character;*
- provide clear economic, environmental and social benefits compatible with the themes of the Community Plan; and,*
- remove barriers to the exercise of general access rights and build links so that everyone is able to enjoy and explore the Highlands to the best of their ability."*

The council also indicated that it is not the intention to produce an individual piece of supplementary guidance on the deliverable aspirational routes as identified in the Core Path Plans. It was indicated that such information will form part of the Developer Contributions: Supplementary Guidance. Consequently, the Council suggested that that the second sentence of paragraph 23.7.3 be amended to read:

"Guidance on how these aspirational routes could be delivered will be contained within the Developer Contributions: Supplementary Guidance with further detailed guidance available from the Green Networks: Supplementary Guidance, where appropriate."

Conclusions

2. I note that this policy dealing with public access to the outdoors is supported by the Scottish Mountaineering Council (2). I am also aware that apart from a request that the policy should make reference to the need to safeguard nature conservation interests the approach set out in the plan is also endorsed by SNH (118). The need for such recognition was highlighted in SNH's comments on the Habitats Regulations Appraisal and I note that the Council has accepted that the second bullet point in the policy should be changed to reflect this concern. Given the significance of achieving good public access to outdoor areas in the development of recreation and tourism in the Highlands and also the importance of conserving areas of nature conservation interest, I consider that it is both appropriate and necessary to amend the policy to recognise the point raised by SNH.

3. SNH's representation also indicates that the plan should incorporate a link to the guidance it has produced on the preparation of an outdoor access plan. I note that the Council has accepted, in the context of the mitigation required to satisfy the Habitats Regulations Appraisal, that it would be appropriate to include such a link in the supporting text to the policy. For the sake of clarity and completeness, I accept that it is appropriate to include a reference to this guidance.

Reporter's recommendations:

I recommend that the plan be modified as follows:

1. Delete the second bullet point in Policy 78 and replace it with the following:

- ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats

2. Insert the following text after the last paragraph of the policy:

The principal aims of the Access Strategy are to:

- develop a comprehensive access network for a wider range of abilities and interests;
- encourage local communities and user groups to work in partnership with land managers in the development of better facilities and to support rural economies;
- provide access opportunities which conserve and enhance local character;
- provide clear economic, environmental and social benefits compatible with the themes of the Community Plan; and,
- remove barriers to the exercise of general access rights and build links so that everyone is able to enjoy and explore the Highlands to the best of their ability.

3. Delete the second sentence of paragraph 23.7.3 and replace it with the following:

Guidance on how these aspirational routes could be delivered will be contained within the Developer Contributions: Supplementary Guidance with further detailed guidance available from the Green Networks: Supplementary Guidance, where appropriate.

4. Insert an additional paragraph (23.7.4) which would state:

Guidance on the preparation of an outdoor access plan can be found on SNH's website at:

<http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/greenspace-and-outdoor-access>

Issue 79	Long Distance Routes	
Development plan reference:	Policy 79 (para 23.9, Page 126)	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
Laid Grazings Committee(83)		
Provision of the development plan to which the issue relates:	Safeguarding and enhancing long distance routes	
Planning authority's summary of the representation(s):		
<p>The Laid Grazings Committee (83) support the use of the walking/cycling networks (as laid out in the map on p.127) as tourist attractions based on the Core Paths Network.</p> <p>The Committee strongly suggest that the suggested Long Distance Route on p.127 along the eastern half of the north coast be extended right along to Durness.</p>		
Modifications sought by those submitting representations:		
The Laid Grazings Committee (83) suggest that the Long Distance Route on p.127 along the eastern half of the north coast be extended right along to Durness.		
Summary of responses (including reasons) by planning authority:		
The aforementioned map on p127 shows an existing Long Distance Route i.e. National Cycle Network route 1: this is not a suggested route. Having checked with Sustrans, there are no plans now or in the future to extend this route along to Durness unless there is significant interest shown by members of the public.		
Any further plan changes commended by the planning authority:		
None		
Reporter's conclusions:		
<p>I note that this representation expresses support for the network of long distance cycling and walking routes covered by Policy 79, which are illustrated in Figure 11 on page 127 of the plan. The policy is intended to safeguard and enhance those existing routes and their settings shown on the diagram. I note that the policy also indicates that consideration will be given to developing/improving further strategic cycling or walking routes, both along the coast and in inland areas. The route referred to in this representation forms part of the existing National Cycleway Route 1. The information provided to the Council by Sustrans indicates that there are currently no proposals to extend this route westwards along the north coast to Durness, as suggested in the representation. As Figure 11 includes only existing established cycle and walking routes, I do not consider that it would be appropriate to include a possible new or extended route which has no official status and has yet to be fully investigated. If, in the future, detailed proposals are brought forward for an extension to National Cycleway 1 then these could be considered at that stage for possible inclusion in a subsequent local development plan.</p>		
Reporter's recommendations:		
I recommend no modification.		

Issue 80	Miscellaneous	
Development plan reference:	Various miscellaneous	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Terence O'Rourke Ltd For Renewable energy clients (164) Myra Carus Highlands & Islands Green Party (HIGP) (168) John Waring (250) Eveline Waring (253) Nigg & Shandwick Community Council (254) Scottish Renewables (270) Cathy Stafford (272) Scottish Government (324) CASA Planning and Environment Ltd for Cube Engineering (449) Lochaber Partnership (452)</p>		
Provision of the development plan to which the issue relates:	Various	
Planning authority's summary of the representation(s):		
<p><u>Supplementary Guidance</u> The Scottish Government note that In some instances, policies in the proposed plan give little or no indication of what the policy will be and delegate this wholly to supplementary guidance. They suggest this goes beyond the legitimate use of supplementary guidance as defined in <i>Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008</i>. (324)</p> <p>The reliance on Supplementary Guidance which undergoes less rigorous examination/consultation unacceptably weakens the plan. (164) (270)</p> <p>Use of supplementary guidance may sometimes be necessary, however it is noted that not all of the supplementary guidance is finalised or adopted. (270)</p> <p>The plan should provide more detail on policy and interpretation and not rely on Supplementary Guidance. (164) 270)</p> <p>It is unclear if development briefs will be established as statutory guidance and if will there be further consultation on these. (272)</p> <p>54% of policies in the Plan directly or indirectly rely on supplementary guidance. (449)</p> <p>It appears counter-intuitive to adopt an LDP with several policies that are closely linked to Supplementary Guidance that is not yet adopted and it is unclear how applications will be determined until all the relevant Supplementary Guidance is adopted. In the interests of clarity interim Supplementary Guidance should be provided or adoption of the plan should be delayed until all the Supplementary Guidance is adopted. (449)</p> <p>The proposals to update and make all guidance associated with the plan statutory are welcomed. (168)</p> <p>It is unclear where consultations on forthcoming Statutory Guidance can be found.(168)</p>		

Other Issues

Members who have expressed a view on a planning issue should retain their right to vote if that matter is reported to committee. (250) (253).

Compulsory Purchase Orders (CPO) should be made cheaper and less complex to obtain. (250) (253).

Larger projects are often approved contrary to policy. By the time a policy is adopted emerging policy may suggest a different approach which makes it easier for developments to be approved. (254)

A policy should be introduced requiring lifeline rural services such as petrol stations and shops to be marketed as going concerns for at least 6 months before an application for a change of use would be supported. (452)

Modifications sought by those submitting representations:

Stronger policy context for supplementary guidance.

Less reliance on supplementary guidance.

Greater clarity on development briefs.

Delay of plan until supplementary guidance is adopted or the provision of interim guidance.

Clarity on procedures for handling applications before supplementary guidance is adopted.

Changes to the code of conduct in relation to the participation of members in Planning matters .

Changes to the CPO procedures.

A policy on change of use proposals involving the loss of 'lifeline' rural services.

Summary of responses (including reasons) by planning authority:The use of supplementary guidance in the plan

The Council is of the view that there are sufficient "hooks" within the Local Development Plan for the Supplementary Guidance which it intends to prepare. Paragraph 96 of the Circular 1/2009 states that there is a requirement for an appropriate context within the Local Development Plan, and gives examples of where Supplementary Guidance is appropriate:

- Detailed policies where the main principles are already established
- Allocations of small areas of land or local policy designations that do not impact on the spatial strategy of the wider plan area
- Development briefs and masterplans
- Exact levels of developer contributions or methodologies for their calculation
- Forestry and woodland strategies
- Aquaculture framework documents

Paragraph 98 recognises that supplementary guidance may be prepared and adopted alongside the LDP, or subsequently. This is the model that the Council has been following.

The Council is committed to having a full suite of Supplementary Guidance and Development Briefs in place at the time the Local Development Plan is adopted. We have commenced work on the majority of the new Supplementary Guidance documents referred to in the Local Development Plan, and have a timetable for the preparation of the remaining ones (as set out in our Development Plan Scheme). We are reviewing the rest of our currently adopted Supplementary Guidance documents which can be viewed on the Councils website to determine whether any further changes are required in the context of the Examination. Any changes to these documents will be widely

publicised.

A list of supplementary guidance is provided in appendix 6.3.

The Role of Elected Members

Councillors must abide by the requirements of the National Code of Local Government Conduct. The code of conduct is available on the Council's website.

CPO Procedures

The Scottish Government is undertaking a programme of work to identify and share good practice in the use of CPOs and is consulting on two draft circulars that seek to update guidance and procedures. More information on this programme is available on the Scottish Government website

The Value of the Plan

The aim of the plan is to provide a clear policy framework to guide development and in order to ensure that policy remains relevant it is vital that plans are regularly updated. It is intended that the plan will provide a degree of certainty for stakeholders but every planning application is considered on its own merits.

Lifeline Rural Services

Where an application proposes a change of use that would lead to the loss of a lifeline rural service the Council will generally seek evidence that the business is no longer viable and that it has been marketed for an adequate period, usually a minimum of 3 months. This timescale is considered to allow a reasonable amount of time for market forces to react but should not cause undue financial hardship to existing owners.(452)

Any further plan changes commended by the planning authority:

The Council commends to the Reporter that Appendix 6.3 Supplementary Guidance is not attached to the paper copy of the Plan but is available electronically. This will enable it to be updated.

Reporter's conclusions:

Supplementary guidance (164, 168, 270, 272, 324, 449)

1. Under representation 324 the Scottish Government seeks stronger policy guidance for the use of supplementary planning guidance. It has asked reporters to examine, for each instance within the plan where such guidance is to be used, whether there is a sufficiently full and clear policy objective on which it is to be based.
2. In each case where supplementary guidance is mentioned further information requests have been sent to the Council, asking for clear guidance or policy links under which any supplementary guidance will be prepared. This applies also to development briefs that are to be adopted as supplementary guidance.
3. The reporters believe that doing this brings the plan into line with Development Planning regulation 27. This states, with regard to supplementary guidance adopted and issued under section 22(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), that supplementary guidance may only deal with matters expressly identified in a statement contained in the plan of matters to be dealt with by the guidance. The guidance/policy framework that will enable the plan to meet this regulation is dealt with under specific issues where relevant, with modifications proposed as necessary.
4. As the legislation provides specifically for the use of supplementary guidance, I do not accept the representation that the plan should not rely on guidance. Whilst the Council should aim to produce guidance as soon as is reasonably possible, taking into account the need for proper consultation procedures, it would be inappropriate to delay the publishing of the plan until this is completed.

5. The Council suggests that Appendix 6.3 Supplementary Guidance be removed from the plan and be available only electronically, to allow it to be updated. I believe that this would be a retrograde step. Whilst I accept that it will date relatively quickly, this will apply only to details of the timetabling of new guidance. Also there are still many people who for various reasons do not have easy access to computers and web-sites, and they may be disadvantaged by not being able to see the appendix in the plan. A sensible compromise would be to modify the plan by adding a sentence to the appendix stating that an electronic version will be updated regularly and available on the Council's web-site for remote inspection and downloading.

The role of elected members (250, 253)

6. This is a matter for legislation, and does not relevant to the examination.

CPO procedures (250, 253)

7. This is again a matter for legislation, and not for the examination. I am aware, however, that since the start of the examination the circular and guidance referred to by the Council has been published.

The value of the plan (254)

8. All policy develops over time in response to changes of circumstance. Legislation refers to other material considerations that may enable planning authorities to over-rule development plan policies when justified by those considerations. This does not devalue local development plans, and it will always be easier for developments to be approved when they accord with development plan policies. No modification is required.

Lifeline rural services (452)

9. This proposal is often followed by planning authorities and can be incorporated formally into development plans. It would be appropriate for this to be considered further within the forthcoming area local development plans. No modification is required.

Reporter's recommendations:

I recommend the following modification:

1. In Appendix 6.3 add the following:

This appendix is accurate as at the date of the adoption of the plan. Details on the progress of preparing and publishing individual guidance will change over time. Up to date information is available on the Council's web-site.

Note: the Council may wish to amend this to suit the specific circumstances of the details and availability of electronic information.

Issue 81	Highland Wide Vision	
Development plan reference:	Chapter 4 - Vision (Pages 9 - 10)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Tulloch Homes (57) Joan Noble (67) Laid Grazings Committee (83) Nairn West Community Council (101) Scottish Natural Heritage (118) Mrs E Holland (153) Julian Walford (155) Terence O'Rourke Ltd (Renewable energy client-base) (164) Highlands & Islands Green Party (HIGP) (168) Mrs Annie Stewart (172) Glen Urquhart Community Council (174) Scottish Council for Development & Industry (SCDI) (180) Blair of Tarradale Farm (183) D and J Piggott (208) Stop Highland Windfarms Campaign (213) Balnagown Castle Properties Ltd (229) Highlands & Islands Enterprise (HIE) (240) Scottish & Southern Energy Plc and its Group Companies (SSE) (268) Scottish Renewables (270)</p>	<p>Scottish Wildlife Trust (285) Homes for Scotland (293) Inverloch & Torlundy Community Council (318) Scottish Environment Protection Agency (SEPA) (326) Transition Black Isle (330) Scottish Salmon Producers' Organisation (404) NHS Highland (411) Myra Carus (422) Cromarty & District Community Council (443) Cube Engineering (449) M Gilvray (453) PI Renewables (454) Nanclach Ltd (457) Kishorn Port Ltd (466) Marine Harvest Scotland (467) I & DJ Alexander (488) Highland Film Commission (491) S & A Corbett, A & A Currie, W & K MacKenzie (519) Thrumster Estate Fieldsports (521) Scotia Homes (532)</p>	
Provision of the development plan to which the issue relates:	The Plan Vision	
Planning authority's summary of the representation(s):		
<p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> SEPA support the principles enshrined in this section and in particular the reference to sustainable development and safeguarding the environment. <p><u>Halliday Fraser Munro Planning (57)</u></p> <ul style="list-style-type: none"> Support the aim within the vision to "provide opportunities for market housing both within settlements and within the Highland countryside", the proposals for Ness-side support this vision. <p><u>Nairn West Community Council (101)</u></p> <ul style="list-style-type: none"> Endorse vision (para 4.2.3) that future depends on prudent, long-term planning to make use of the region's long-term assets, which are natural, not industrial: scenery, natural recreation potential, agriculture, human resources and culture. <p><u>Turnberry Consulting Ltd for HIE (240)</u></p> <ul style="list-style-type: none"> Pleased that the vision acknowledges at paragraph 4.2.3 that education is a key sector in the Highland economy. However development at the Inverness campus is expected to deliver both economic development and job creation and additional wording should be added to paragraph 4.2.3: "Promoting the delivery of a world class higher education campus to improve educational opportunities in the Highlands and attract investment into the region". 		

Scottish Wildlife Trust (285)

- SWT is pleased to see that the vision's aim is to safeguard and enhance its special places and that green networks are included in the vision, stating that environmental limits will be respected which accords with one of the principles of sustainable development (living within environmental limits) as outlined in the consolidated Scottish Planning Policy.

Thrumster Estate Fieldsports (521)

- In order to use the resource of archaeology in further economic development in Thrumster and beyond there should be a commitment to conserve ancient untouched landscapes in the Highland wide context.

Strutt & Parker for Balnagown Estate (229) and Strutt & Parker LLP for I & DJ Alexander (488)

- Broadly supports the vision in paragraph 4.1.
- Objects to the way that the vision is to be achieved as set out at paragraphs 4.2.1, 4.2.2, 4.2.3, 4.2.4 and 4.2.5. There is no reference in any of these to "locating development in the most sustainable locations, making best use of existing/planned transport infrastructure". This would assist the achievement of most of these points. This approach is being encouraged at paragraph 8.1.

D & J Piggott (208) and Mrs E Holland (153)

- Successful expansion depends on employment opportunities; the supply of these jobs has not been addressed within the plan. Nigg has not attracted investment and other industrial/business parks are only partly occupied.

Scottish and Southern Energy plc (268)

- Within the Plan after the description of the Vision there are further matters set out in 4.2. It is stated that that in order to safeguard the environment it will be done by "ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located". It is recognised that this is a general statement but there are a number of issues relating to this. Whilst on-shore wind proposals may be informed through spatial planning in line with SPP, there is little national policy guidance for other forms of renewable energy development such as bio-mass and hydro. Would seek rewording to clarify the statement. It is recommended that this matter is clearly explained within the forthcoming area Local Development Plans.
- Paragraph 4.2.3 identifies how The Highland Council (THC) will support a competitive, sustainable and adaptable Highland economy, considering that THC has a significant onshore wind resource as well as having a significant marine renewables resource it is surprising that there is no reference to the renewable energy economy within this section of the LDP. The renewable energy industry is of significant financial value to Scotland as a whole, especially THC area. It is recommended that this is specifically recognised within the finalised LDP. Recognition would be consistent with Policy 68: 'Renewable Energy Developments', which clearly identifies the benefits that renewable energy development may have to the local and national economy as a material planning matter.

S & A Corbett, A & A Currie, W & K MacKenzie (519)

- Particularly pleased about commitment to "ensuring the special quality of the natural, built and cultural environment in Highland is protected and enhanced" as outwith urban Inverness sustaining population levels depends on continuing immigration attracted by more than just scenery and who wish to make their own positive contribution to the established way of life.
- Pleased there is a commitment to "ensuring that the planning guidance...for croft land is clear and consistent" as we have found great difficulty in obtaining a statement in Planning reports on applications for development on land under crofting tenure or arable in-by-land.

M Gilvray (453)

- Danger the vision will generate unrealistic expectations. As there is no clear costed delivery plan, it is of questionable value. The high growth model relies on there being adequate finance available for investment in some economically marginal areas to overcome locational

disadvantages which may be unrealistic in the current economic climate. Also difficult to reconcile this with a sustainable approach to development & appears at odds with some development management policies.

Martin Mackay Solicitors (183)

- Support the vision, in particular the aim of balancing population growth and economic development across the Highland area.
- Object to the way the vision is to be achieved – there is no reference to *‘locating development in the most sustainable locations, making best use of existing transport infrastructure’* as encouraged by national planning policy (para 66, para 77 and para 165 of SPP).

Mrs Annie Stewart (172)

- Fail to see any significant evidence for planned economic growth in terms of industry, commerce, agriculture and food production or tourism that will stimulate this growth for the Highland economy. The thrust of the Plan seems to be focussed on identifying areas for buildings, mostly a large quantity of housing and much of that affordable housing, with the acknowledgement that some of that building should be retail, services etc.
- The Plan has failed to grasp the opportunity to manage growth and population increases in way that can make the Highlands more sustainable for the future. Where is the vision for decentralisation and diversification?

Terence O’Rourke Ltd (Renewable energy client-base) (164)

- Whilst there are some positive words on renewable energy, there could be more words of encouragement for the deployment of renewables in Highland (first bullet point in 4.2.2).
- The vision suggests that the environment will have been safeguarded due to clear guidance on where renewable energy developments ‘should and should not be located’. This seems more prescriptive than national guidance in SPP, and a more flexible approach should be taken to allow projects to demonstrate their acceptability based on impact, need case and other material considerations. Should be guiding not prescribing.

Laid Grazings Committee (83)

- Support ‘providing for developments which cater for Highland’s aging population (suggest additional text – see below). Particularly support protecting and enhancing the natural, built and cultural heritage and also the transport infrastructure – it is the actual transport links that need improving, connecting isolated towns like Laid should be a priority now our post bus has gone.

Glen Urquhart Community Council (174)

- Given prolonged period of economic constraint, is it not more appropriate/realistic to consider a slower growth rate for the period 2011-2021?

Inverlochry & Torlundy Community Council (318)

- Vision is flawed as it fails to take adequate account of impact of development on Highland area and population in the years beyond 2030. Insufficient consideration of effects of long-term climate change and need to protect productive agricultural land to feed ever-increasing human population.

Stop Highland Windfarms Campaign (213)

- Supports the vision and its commitment to: ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located; and ensuring that the special quality of the natural, built and cultural environment in Highland is protected and enhanced. However achieving this will be challenging in view of the windfarm developers being encouraged by Holyrood and Westminster Governments. Generation targets seem to take precedence over residential amenity and landscape and natural heritage protection. The balance needs to be redressed, putting people and natural heritage first and accommodating appropriately sized and located renewable energy development. While the principles are in place in the vision the tools necessary to effect the vision are lacking.

Myra Carus (422)

- Old-fashioned idea of 'Economic Growth' with its developer-led housing on Grade 2 agricultural land and the creation of more road networks is not our only option. We need to protect all grades of agricultural land for food and fuel crops.
- With the depletion of oil and the need to minimise energy use we need to localise sources of energy and food which will reduce our carbon footprint.
- Growth of supermarkets negatively impacts on local shops and jobs.
- American-style planning with its reliance on motorised transport is not good for our health or the planet.
- Our planet's resources are finite. We're not giving adequate thought to needs of future generations.
- Query if there's genuine demand for further development of the A96 Corridor, Inverness and the Inner Moray Firth. Genuine or developer-led?
- It is impractical to develop and unsustainable financial and service economy centralised around Inverness. Local people need houses elsewhere in the Highland area where Council/Affordable Housing should be directed.
- There are sites outwith the A96/Inverness/Inner Moray Firth which lend themselves to small industrial developments.
- Broadband should be provided across the Highlands to enable people to work from home or a local centre to spread jobs across the area.
- The plan drains resources from the rest of the Highlands. We need to add to existing settlements where there are services, schools and local amenities, by adding jobs on smaller scale projects, such as renewables, to offer work to the local population.
- There should be incentives and opportunities to develop sustainable local industries, for example giving greater rewards for making electricity and feeding it into the grid. Or insulation projects to upgrade existing housing stock to create jobs and warm homes.
- Renewables should also include forestry/planting of trees.
- Gratifying to see the development of marine power projects in Caithness.
- Vision should be to offer people warm, affordable homes with an emphasis on renewable energy. Local services should meet their needs. There should be a pleasant environment where one can reach local shops via a network of pathways and safe cycle paths, thus improving the nation's health and well-being. Public transport needs to be increased, not reduced, with better quality and reliable services. Money for roads should be directed to making good quality paths and cycleways. The vision should be beneficial for the whole of the region, and be coherent, cohesive, comprehensive and inclusive.
- We should be encouraging small-scale housing developments where there are existing services i.e. shop, chemist, post office, medical provision, public transport, educational provision etc and not encouraging urban sprawl.
- We need a Highland vision which suits the area and integrates all positive aspects of Highland life, rather than the present developer-led vision which is not sustainable.

Transition Black Isle (330)

- Transition Black Isle: The vision statement in the Plan should be realistic about the world in 2030. Planning in the next 20 years will create the environment for those who live in Highland into the end of the century and beyond. The Scottish Government has accepted the inevitability of climate change and passed the Climate Change Act that constrains the carbon footprint of Highland Region by law until at least 2050. Any development plan has to meet this obligation head on and requires new thinking of its consequences. The requirements of the Climate Change Act which demand a year-on-year reduction in carbon emissions by around 3% needs to be an identifiable focus of Highland's vision, and this demands that new infrastructure takes a disproportionately large role in achieving this reduction.

Scottish Natural Heritage (118)

- Environment is not rooted in the overarching Vision for the plan.

CASA Planning and Environment Ltd for Cube Engineering) (449)

- Urge caution on wording regarding the inclusion of a prescriptive policy stating where renewable

energy developments ‘should or should not be located’ – this is contrary to the approach taken by consolidated SPP which states that local authorities should guide rather than prescribe development to the appropriate locations. Suggest an amendment to the text to reflect this.

Scottish Renewables (270)

- Para 4.2.2 suggests the inclusion of a prescriptive policy related to renewable energy developments which identifies where development should and should not be located”. This is contrary to SPP.

NHS Highland (411)

- Pleased to see Healthier Highland is a prominent feature of the vision although it will be of importance to translate this into the implementation of spatial strategies for each area. Many aspects of the plan have potential to impact positively or negatively on health.

Jones Lang LaSalle for PI Renewables (454)

- Guidance to direct renewable energy development to broad areas of search is welcomed in para 4.2.1.
- The support to encourage and create energy development opportunities in para 4.2.3 should be carried through to policy 68.

Joan Noble (67)

- The vision to see a growing, urbanised Highland economy with an increase of jobs and economically active incomers has truly crashed with the credit crunch. While it is understandable that this might have been the vision in 2006, it is inexplicable and perverse to cling to a model which is now completely reversed. More detail is provided in the representation.

Julian Walford (155)

- I fully support the Vision (4.2).

EMAC Planning LLP for Scotia Homes (532)

- Support the vision, stated objectives and strategy.

Scottish Council for Development and Industry (180)

- At para 4.2.1 (bullet point 1) the LDP states that the environment will be safeguarded by “ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located”.
- It is recognised that this is a general statement with respect to how the development of renewable energy resources are managed. Guidance directing development to broad areas of search is welcomed in line with PAN 45 Annex 2 and Scottish Planning Policy (SPP) which advises that Local Planning Authorities should produce a spatial framework to guide the development of wind farms over 20MW in capacity.
- At paragraph 4.2.2 The Highland Council (THC) identifies how it will support a competitive, sustainable and adaptable Highland economy. THC has a significant capability to cater for and take advantage of renewable energy which is of significant financial value to the Scottish and Highland economies. NCL welcomes the reference to encourage and create energy development opportunities within paragraph 4.2.3. This statement of encouragement should however, be more explicitly referenced within Policy 68: ‘Renewable Energy Developments’, which identifies the benefits that renewable energy developments have to the local and national economy as a material planning matter.
- SCDI welcomes the vision that by 2030 Highland will be one of Europe’s leading regions. The competitiveness of the region as a location for growing and locating international businesses and talent is fundamental. As the *Proposed Plan* references, the Highlands has global strengths in particular economic sectors such as energy, food and drink, tourism, life sciences, creative industries and education, which have potential for more rapid growth. A growing population for the Highlands is clearly vital to this vision. The Scottish Government’s recently published *Demographic Change in Scotland* highlights that Scottish population is continuing to age and that there is a strong urban/ rural dimension to the ageing population, with a higher percentage of older people in many rural areas. The implications are that the working age population will

gradually shrink as a proportion of the whole population, leading to a tightening of the labour market, inflationary wage levels, higher prices and a loss of competitiveness in the international market. As the *Proposed Plan* states, a growing Highland economy will require an increasing population which achieves a balanced age range in the Highlands.

Cromarty and District Community Council (443)

- Given the ambition of the plan to cover the whole Highland Council area it may not be unexpected to see no mention of communities at the scale of the Black Isle, in the Plan. However, on the proposals map it appears as 'Inverness hinterland' - this description of communities in relation to the major conurbation does not recognise the growing attempt by communities trying to sustain a local economy without the reliance of commuting to a 'centre'.

Biggart Baillie for Nanclach Ltd (457)

- Para 4.2.1 (bullet point 1) the LDP states that the environment will be safeguarded by "ensuring that development of renewable energy resources are managed effectively with clear guidance on where renewable energy developments should and should not be located", this is a general statement with respect to how the development of renewable energy resources are managed.
- Guidance directing development to broad areas of search is welcomed in line with PAN 45 Annex 2 and Scottish Planning Policy (SPP) which advises that Local Planning Authorities should produce a spatial framework to guide the development of wind farms over 20MW in capacity.
- Paragraph 4.2.2 The Highland Council (THC) identifies how it will support a competitive, sustainable and adaptable Highland economy. THC has a significant capability to cater for and take advantage of renewable energy which is of significant financial value to the Scottish and Highland economies.
- NCI welcomes the reference to *encourage* and *create* energy development opportunities within paragraph 4.2.3, this should be more explicitly referenced in Policy 68: 'Renewable Energy Developments', which identifies the benefits to the local and national economy as a material planning matter.

Highlands & Islands Green Party (168)

- The draft plan needs to be fundamentally recast, to reflect the core theme of sustainability in the Highlands, including climate change. It needs to:
 - be built around the principle of 'access, not mobility' (and consequentially, minimising the need to travel) including in particular making provision in existing communities for, better core public facilities – including primary schools, post offices, libraries, swimming pools – as well as more housing
 - reflect how it aims to help achieve the Scottish Government's climate change mitigation targets
 - include population projections and relate the Plan's proposals to these.

Dalglish Associates Ltd for Kishorn Port Ltd (466)

- Promotes the reuse of the Kishorn Yard. Notes that the completion of a Masterplan for the Kishorn Yard, providing for its resurrection as a renewables construction/fabrication and servicing/distribution site [Kishorn Port and Dry Dock] will serve to meet the strategic vision for the site as set out in the proposed Highland wide Local Development Plan. It is submitted therefore that a Masterplan development framework be submitted to the Highland Council for consultation and for subsequent possible adoption as supplementary guidance.

Highland Film Commission (491)

- Wish to see Film and Television/Creative industries mentioned on page 8 under Vision 3.3.

Marine Harvest Scotland (467), Scottish Salmon Producer's Organisation (404)

- Welcome the identification of aquaculture as a key sector on which Highland Council intends to focus in order to encourage economic development, and create new employment, as part of it's Vision for Highland. Believe strongly that aquaculture is one of the few industries that have strong growth prospects and will be capable of contributing significantly towards the goal of

economic sustainability especially in remote rural and island communities.

- 4.2.3 –Sixth bullet point. – Given the importance of aquaculture to the economy and to food security for Scotland it is important that areas suitable for aquaculture are given appropriate status and protection in the same way that high quality agricultural land and mineral deposits are protected or reserved.

Modifications sought by those submitting representations:

- Additional sentence added to paragraph 4.2.3: “Promoting the delivery of a world class higher education campus to improve educational opportunities in the Highlands and attract investment into the region”. (240).
- Include “locating development in the most sustainable locations, making best use of existing/planned transport infrastructure” in paragraphs 4.2.1, 4.2.2, 4.2.3 and 4.2.4. (229), (488)
- Add ‘in their own communities’ to ‘providing for developments which cater for Highland’s aging population
- Transition Black Isle: would therefore like to see the vision of the Highland-wide development plan extended to read:
By 2030, Highland will be one of Europe’s leading regions. We will have created sustainable communities balancing population growth and economic development across the area, have built a fairer and healthier Highlands, and led Scotland’s challenge to reduce carbon emissions to safeguard the long-term prosperity of the Highlands. (330)
- Clarification of wording in statement at 4.2 in relation to spatial planning of Renewable energy proposals. (268)
- The completion of a Masterplan for the Kishorn Yard will serve to meet the strategic vision for the site as set out in the proposed plan. Suggest that a masterplan development framework be submitted to the Council for consultation and possible adoption as supplementary guidance. (466)
- Modify first sentence of vision to say, “We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment, and have built a fairer and healthier Highlands.” (118)
- Film & Television/Creative Industries should be acknowledged/ referenced as a key industry sector: “...promoting the development of a sustainable film and television industry in terms of attracting inward investment and supporting local businesses including film tourism related marketing opportunities”. (491)
- Reword para 4.2.2 to reflect the wording of SPP. (270).
- Rewrite of Vision to reflect a low growth development strategy (assumed). (67)
- Add “aquaculture” to last bullet point in 4.2.3 (assumed).

Summary of responses (including reasons) by planning authority:

General Issues (174, 318, 422)

- Circular 1/2009 Development Planning indicates that Local Development Plans must contain a vision statement. This vision statement “is a broad statement of how the development of the area could and should occur and the matters that might be expected to affect that development”.
- The vision statement looks out over the coming twenty years in line with national guidance. It is intended that Plans will be reviewed within a five year timescale which will allow changing priorities and perspectives to be included. Clearly the economic circumstances at present have affected the rates of development, but within the context of a twenty year vision, it is still appropriate and correct to take an aspirational approach to the longer term.
- The Local Development Plan vision and spatial strategy covers the strategic issues affecting the Highland area as a whole. The preparation of the document has been supported by an assessment of the development needs over the whole area, and in the context of the adopted Local Plans which are currently in place. The detailed emphasis in the Highland wide Local Development Plan on specific areas such as the A96 Corridor, Nigg or Caithness and North Sutherland reflects the fact that the Local Plans covering these areas did not provide enough support for the development interests being shown in these areas.

Jonathan Coulson (Turnberry Consulting Ltd on behalf of HIE) (240)

- The Council supports the delivery of Beechwood Campus in Inverness, and detailed guidance is given within Section 11 of the Local Development Plan. The vision already refers to higher education opportunities in paragraph 4.2.3, and this reference is sufficient within the Vision section of the Plan.

Islay Macleod (Thrumster Estate Fieldsports) (521)

- Paragraph 4.2.2 clearly indicates that the special quality of the natural, built and cultural environment is protected and enhanced. The Council is of the view that the ancient landscapes referred to are covered by this description, and that when dealt with in conjunction with the detailed policies relating to heritage matters, the level of protection sought will be delivered.

John Wright (Strutt & Parker on behalf of Balnagown Estate) (229), John Hillis (Strutt & Parker LLP on behalf of I & DJ Alexander) (488) and Martin Mackay Solicitors (183)

- The Council is of the view that the vision does reflect the outcomes sought by Scottish Planning Policy. The reduction of the need to travel is specifically referred to in paragraph 4.2.3. It will be for the Reporter to determine whether any further amendments are required.

D & J Piggott (208) and Mrs E Holland (153)

- The Council is committed to ensuring that land for economic development is ready and available when it is needed. This involves working closely with Scottish Government, Highlands and Islands Enterprise and other private and public interests on projects right across the area. The provision of the land and infrastructure required for future economic development is a requirement of national policy. Scottish Planning Policy states that "Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status". The Council believes the vision statement as set out in 4.2.3 remains critical to the future economic development of the area.

Scottish Natural Heritage (118)

- It is accepted that there is no clear reference in the overarching vision to the safeguarding of the environment, although the many policies contained within the Plan clearly seek to deliver this. The reporter may wish to recommend the change as suggested by SNH which will offer greater clarity to the overarching vision statement.

Climate Change (168, 330, 422)

- Climate Change is a very important consideration in the Local Development Plan process, particularly given the recent legislation and the requirements placed on local authorities to deliver. The Schedule 4 relating to Climate Change sets out the Council's position in respect of suggested changes to the Local Development Plan to deliver these, but the reference in the vision in paragraph 4.2.2 is regarded as sufficient.

Renewables

- Several comments have been made as to how the issue of renewables have been referred to in the vision statement. What is meant at this broad level is a clear direction that the Council supports the development of a whole wide range of renewable technologies at the appropriate scale in the appropriate location. This sets the context for the wider policies in the Local Development Plan and the related Supplementary Guidance.

Dalgleish Associates Ltd (Kishorn Port Ltd) (466)

- The development of the Kishorn Yard is supported through policy 42 of the Local Development Plan, and as such any masterplan prepared for the site will be supported in that context. No specific change to the vision is suggested by the representation.

Highland Film Commission (491)

- Reference to creative industries is made in paragraph 4.2.3. No further change is recommended.

M. Gilvray (453)

- The Plan and the existing local plans within Highland all support the concept of a hierarchy of settlements. With the exception of the Tornagrain new settlement proposal, all these plans allocate sites and direct future public infrastructure investment consistent with and proportionate to the size of the settlements in this hierarchy. Fort William, for example contains the majority of Lochaber's allocated housing and employment site capacity.
- The Vision's 5th bullet point recognises the issue raised in terms of public expenditure restraint. The Council will actively try to bolster the largest villages in the remotest areas so there is more chance of holding on to services and facilities even if they have to be rationalised and amalgamated.

Aquaculture

- The Council agrees that reference should be made specifically to aquaculture in the last bullet point in paragraph 4.2.3.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Several of these representations are statements of support for the plan, and these do not need addressing further.

General issues (174, 318, 422)

1. The Council has explained the rationale for the vision within the framework of Government guidance. The vision is not a plan in itself, but a statement of how the Council sees the future of the Highland area over the next 20 years. Other issues throughout the plan deal with specific aspects, and explain how individual policies have been arrived at. I am satisfied that the vision as a whole satisfies Government guidance.

Education (240)

2. Accepting that the vision is by nature a general statement, I am satisfied that the reference to higher education in paragraph 4.2.3 is a sufficient statement of the Council's support. As is pointed out, the Beechwood Campus is dealt with in detail under issue 11.

Natural, built and cultural environment (118, 521)

3. The Council acknowledges that the overarching vision set out in paragraph 4.1 does not refer specifically to the environment. Given the importance of the wider environment to the Highlands as a whole, particularly in terms of landscape and wider natural heritage, which underpin a large part of the Highland economy, this is a significant omission. Paragraph 4.1 is inevitably brief, but the proposed modification will address the issue, and should be accepted.

4. I am satisfied that for the purposes of the vision, paragraph 4.2.2 deals adequately with ancient landscapes, and there is specific coverage under issue 58. No further modification is needed.

Sustainability and travel (183, 229, 488)

5. The need to reduce travel is referred to specifically under the third bullet point of paragraph 4.2.3. Given the overall focus of the vision, and trying to cover a wide range of matters in a brief manner, I am satisfied that this reference is sufficient to reflect the requirements of Scottish Planning Policy.

Employment needs (153, 208)

6. The six bullet points in paragraph 4.2.3 reflect different aspects of support for economic development. Given that the vision is inevitably focussed and to the point, I find that paragraph 4.2.3 provides sufficient encouragement for economic development and employment, and is supported by relevant issues in the plan as a whole.

Climate change (168, 330, 422)

7. Again climate change is referred to in paragraph 4.2.2, as one of many issues that have to be taken account of in addressing environmental matters. I note also the Council's commitment to renewable energy and limiting the amount of non-renewable resources used in development. No change is needed.

Renewable energy (164, 180, 213, 268, 270, 422, 454, 466)

8. Renewable energy, whilst being broadly supported in principle by most people, is also qualified by some with regard to landscape and community impact. This concern relates almost entirely to windfarms, with wave and tidal generation being less controversial, if at all. Given, however, the importance of renewable energy to the Highland economy as a whole, and the increasing importance of aquatic based renewable energy sources, I find the reference to renewable energy at the first bullet of paragraph 4.2.2 a less than wholehearted statement of support. This could be addressed by including renewable energy in the list of key sectors to be encouraged under the first bullet point of paragraph 4.2.3. With regard to specifically to the Kishorn yard, this is already supported as stated by the Council, and no statement is needed in the vision.

Film industries (491)

9. I note the Council's comment, and that the reference in paragraph 4.2.3 to creative industries is in the list of those classed as key sectors. Within the overall framework of the vision this does not need any further mention.

Settlement hierarchy (453)

10. This is dealt with comprehensively in various issues within the plan. I note paragraph 4.2.5 refers to the need for deprived areas and those at risk of long term unemployment to receive investment in services and infrastructure. Again this is dealt with in relevant issues in the plan, and needs no further comment here.

Aquaculture (404, 467)

11. As noted in representations, aquaculture is listed in the key sectors for encouraging economic development. However, given its specific locational needs, I agree with the Council that it should be added to the list of developments where key resources are to be protected.

Reporter's recommendations:

I recommend the following modifications:

1. Delete the second sentence of paragraph 4.1, and replace with:

We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment across the area, and have built a fairer and healthier Highlands.

2. In the first bullet point of paragraph 4.2.3, in the list of key sectors that will be encouraged for economic development and employment creation add:

“renewable energy”.

3. In the sixth bullet point of paragraph 4.2.3, in the list of developments for which key resources will be protected where appropriate add:

“aquaculture”.

Issue 82	Caithness and Sutherland Vision	
Development plan reference:	Chapter 5 - Caithness and Sutherland Vision (Pages 11 - 13)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCS) (2) Brenda Herrick (5) Alan Findlay (20) Dounreay Site Restoration Limited (DSRL) (26) Dornoch Rail Link Action Group (42, 536) Janetta Christie (81) Laid Grazings Committee (83) Scottish Natural Heritage (SNH) (118) Terence O'Rourke Ltd (Renewable energy client-base) (164) Highlands and Islands Green Party (HIGP) (168, 533) Highlands and Islands Enterprise (HIE) (190) Railfuture Scotland (227) Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Scottish Renewables (270) Caithness Chamber of Commerce (274) Scottish Salmon Producers' Organisation (404) Julian Roberts (406) C and L Macleod (410) Wick Harbour Authority (417) William Brown (423) Transform Scotland (425) Brian Balmain (435) John McMaster (440) Scottish Association for Public Transport (446) Graham Lund (448) Cube Engineering (449) M Gilvray (453) C Niven (455) Rob Gibson MSP (474) K Ross (498) Mark Sullivan (512) Islay Macleod (Thrumster Estate Fieldsports) (521) Scotia Homes (532) Lyndall Leet (537)</p>		
Provision of the development plan to which the issue relates:	Vision for Caithness and Sutherland area	
Planning authority's summary of the representation(s):		
<p><u>Economy and Regeneration</u> Generally content that the Plan is offering a flexible approach to the development of the area to assist the transition of the economy from one recognised as being over-dependant on the nuclear economy to a much more diversified base. (190)</p> <p>It is pleasing to read that there will be an up-dated Dounreay Planning Framework. This will be welcomed by, especially, very many local residents. Hopefully, Dounreay will continue, in some way, to be an important source of local employment in the years ahead. (81)</p>		

General Points on Vision and Spatial Strategy

Support (assumed) for the following text: "The main east coast settlements complement each other, and there will be strong economic ties between the two counties and with the Inner Moray Firth area enabled by planned improvements to telecommunications network and broadband coverage." (190)

Vision based on specialist engineering supported by improved transport links throughout the area may not be realistic. The plan would be strengthened by better defined priorities. In general the building of houses in remote areas where there is inadequate infrastructure/limited employment opportunities should be discouraged. Alternative vision suggested. (453)

Support for the sections of the plan that state –

- The region will be a connected and accessible place – A9 improvement schemes, including Berriedale Braes, will be delivered, as well as there being a significant increase in rail freight consolidating Lairg and Georgemas as distribution 'hubs' along with strategically located sidings with loading facilities.
- The revitalisation and development of John O'Groats and the region having a high quality tourist industry.
- The region being a centre of excellence for energy and engineering.
- The region becoming an international centre of excellence for marine renewables.
- The increased focus in the Plan of future key opportunities being developed by a range of organisations working with the Caithness & North Sutherland Regeneration Partnership. (274)

Need to encourage small businesses – the poor quality of broadband is problematic in small communities like Lairg where normal broadband through BT landlines is still not available. Any business, particularly small businesses now expect the best broadband connection which is not there at the moment. (83)

Pleased to read that the Tourist industry in Caithness and Sutherland is considered to be important. High quality facilities are necessary to attract people: consider the poor state of John O'Groats and the reputation it is receiving in the Press. (81)

Feel that 'have a high quality tourist industry' should be the number one priority on the list. Its position in the list in the Plan suggests that it is an after-thought. Tourism is already a big employer and has the potential to expand enormously as more and more people look for the sort of beauty, peace and space we have (83).

Statement that "other enterprises will have been attracted by a more flexible planning regime throughout Caithness" should be subject to Habitats Regulations Appraisal. (118)

Section 5.2.1 should be extended further than the current focus on settlements, specifically in order to highlight the exceptional potential of the Highlands as a renewable energy location to address the sustainable development and the sustainable economic growth of rural areas. The Council should address how this is to be realised through the development plan and recognition of the 'do nothing approach' should be included with regards to national and international targets. Limiting support for rural development to those identifiable as established communities excludes sustainable land development for renewable energy and thus is contrary to Scottish Planning Policy (SPP). (449)

Wish a few place names to be added to the Caithness and Sutherland figure 1 map as it is quite hard to identify where some of these items are. (5)

The Action Plan for Caithness (see Main Issues Report) is supported. The identified development opportunities should include the expansion of settlements, including Castletown, as part of a comprehensive proposal for the sustained growth of the area. The identification of Thurso as a sub-regional centre is supported but Castletown should be identified as a Local Centre. (532)

It is disappointing to note that, despite the Highland Vision, aquaculture is not mentioned in either

of the strategies covering Sutherland or the West Highlands and the Islands. Aquaculture plays, and will increasingly play, a significant role in economic diversification, and will contribute towards achieving sustainable communities in these areas especially. (Paras. 5.2.1 and 6.2.1) (404)

Provision for cycleways is non-existent and must be included. (168, 533)

Marine Renewables and Associated Onshore Development

Clarification sought on figure 1: Dounreay is shown as an industrial site of national importance and an offshore renewables base is shown near to Dounreay. Wonders whether this is just meant as a general location for marine renewables in the Pentland Firth or that Dounreay specifically might be a renewables base. Retaining Dounreay as a potential site for the future renewables industry will need to take account of the chosen Dounreay Site End State. (26)

HIE see the wave and tidal sectors within Pentland Firth and Orkney Waters as being one of the major drivers for the Highlands over the life of this plan and there should be explicit mention of these developments in the HwLDP and its associated Action Programme. As well as port infrastructure to support this sector there will be requirements for industrial land as well as infrastructure e.g. enhancement of the National Grid. (190)

The vision for Caithness and Sutherland recognises that the Pentland Firth will be the location for marine renewables, related facilities and industries, including the development of centres of excellence in marine engineering and environmental management. There is little by way of a specific policy framework to support this industry. An enabling policy framework should be included within the Plan to support this industry specifically. (268)

Clarification sought over whether the green dotted line off the north coast on the map at figure 1 is a potential route for a subsea cable rather than potential offshore renewable energy. Either way, Habitats Regulations Appraisal for that and also for the Pentland Firth as the location for marine renewables is required, including possible landfall and connection locations. (118)

The map, figure 1, shows a line right along the north coast of 'Potential Offshore Energy' – Laid Grazings Committee have no problem with this as long as it is over the horizon and out of sight or under the sea. Anything visible or on land must be approached with the very greatest sensitivity and the Grazings Committee would not support this. (83)

Onshore Renewables

Focus on renewables success appears to be solely on marine renewables. Figure 1 has no reference to onshore renewable schemes either as specific projects or illustrative zones - this is very disappointing especially when there is clear indication of provision for grid reinforcement. Also this is unfortunate given the important role they have to play in bringing benefits to communities in this area. The area also has a key role to play in helping Scotland to realise its targets through onshore renewables. This should be reflected in the plan, to transcribe national policy to the Local Development Plan (LDP). (164, 270, 449)

Caithness will not be a place of outstanding natural assets such as its distinctive big skies and open rolling landscape if it has any more alien wind farms. Above all they should not be built on Caithness and Sutherland Peatlands which are a natural system of carbon dioxide (CO²) absorption. The environment should be safeguarded. Marine turbines are much the preferred option. (537)

Dornoch Rail Link/Far North Line

Campaigners for and supporters of the Far North Line (FNL), being the rail-line north of Inverness to Caithness, and suggested Dornoch Rail Link (DRL) (also known as the Tain-Golspie Rail Link) object to the lack of reference in the Plan to specific line improvements and to aspiration to achieve the DRL specifically. The grounds for objection stated include the following:

- Improvements to the rail line, including DRL, would support economic and social regeneration in the context of the run-down of Dounreay, including growth of the marine renewables industry, Scapa Flow developments in Orkney and development of the University of the

Highlands and Islands (UHI) through improved connectivity. There is recognition of potential benefits amongst business leaders and from the United Kingdom Atomic Energy Authority (UKAEA).

- Improvements to the rail line would bring benefits in terms of sustainable transport, helping to address climate change concerns and encouraging modal shift from road to rail for both passengers and freight.
- The DRL could deliver a journey-time reduction of 45 minutes and achieving journey time reductions on the line should be part of the Plan's vision. The significance of such savings has previously been recognised in the Highland Structure Plan and Caithness Local Plan.
- Achieving increased passenger numbers on the line is part of the Plan's vision for making Caithness and Sutherland a connected and accessible place and the spatial strategy indicates an improved rail connection to the north, but it is not clear how these will be achieved especially north of Lairg in the absence of the DRL being included in the Plan and as such the Plan is flawed.
- Some reference to the DRL can still be made in the Plan, even if not an objective of the current Government in the Strategic Transport Projects Review (STPR) and despite there being no agreed funding. Other desirable projects get mentioned without immediate funding or impending implementation. These include Berriedale Braes A9 improvement. Proposals for rail and road should be dealt with in an even-handed way.
- Unable to accept recent officially sponsored studies suggesting that the Dornoch Rail Link scheme could not now be delivered at a favourable cost-benefit ratio, based on a simple Transport Economic Efficiency analysis with no socio-economic benefit consideration. The recommendation of the independent report on the scheme by MVA/Corus "That the Dornoch Rail Link has the greatest merit on the initial STAG 1 appraisal in meeting the widest range of the Government's objectives. It should go forward to be appraised at STAG 2 level" has never seriously been challenged by any informed opinion.

(20, 42, 536, 227, 406, 417, 423, 425, 435, 440, 446, 448, 455, 474, 498, 512)

Areas for Potential Safeguard from Development

Concerned regarding the planning policy framework for the immediate area surrounding Loch Watanan, Ulbster. Any development would have a significant deleterious effect on the loch's sustainability as a resource for a variety of wildlife. The present planning status does not reflect these concerns. (410)

The Yarrows is not mentioned in the Plan as a heritage landscape of international significance. It is currently recognised in the Structure Plan and the Caithness Local Plan. The importance of Caithness archaeology should be linked to economic development and the Yarrows landscape maintained. It is also an important landscape for falconry. (521)

It is vital to take into consideration that the local people of Highland are stewards of some of the best wild landscapes in Scotland, which are an integral part of the identity of all Scots. Highlanders are the custodians, not only for themselves, but for Scots as a whole. Where a resource or feature that may be affected is of national or international importance, this level of interest may not always be wholly reflected through relying solely on geographically local people. With respect to having a "high quality tourist industry," safeguarding the environment as part of that is relevant and will be important to success. (2)

Modifications sought by those submitting representations:

General Points on Vision and Spatial Strategy

Strengthen the Plan by better defined priorities; set out an alternative vision, based on the natural assets of the area, of a place where resources are concentrated on developing the best site for servicing offshore renewables and the rural hinterland is reclaimed by nature with scattered Scandinavian style houses for seasonal occupancy placing minimum demand on services and infrastructure. (453)

Make a high quality tourist industry top priority. (83)

Highlight in para. 5.2.1 the exceptional potential of the Highlands as a renewable energy location, address how this is to be realised through the development plan and include recognition of the ‘do nothing approach’ with regards to national and international targets. (449)

Add a few place names to the Caithness and Sutherland figure 1 map to assist the reader. (5)

Include the expansion of settlements, including Castletown, as part of a comprehensive proposal for the sustained growth of the area and identify Castletown as a Local Centre. (532)

Include reference to the role of aquaculture in economic diversification and to its contribution towards achieving sustainable communities. (404)

Include reference to provision for cycleways. (168, 533)

Marine Renewables and Associated Onshore Development

Clarify figure 1 to indicate more clearly the intended strategic role(s) of Dounreay. (26)

Seek explicit mention of wave and tidal sector development within Pentland Firth and Orkney Waters in the Plan and the associated Action Programme, including an action for preparation of a Pentland and Orkney Waters Development Brief. (190)

Include within the Plan an enabling policy framework to support the marine renewables industry and related facilities and industries specifically. (268)

Clarify what is being referred to by “potential offshore renewable energy” in Figure 1. (83, 118)

Onshore Renewables

Caithness/Sutherland vision and spatial strategy should make reference to a wider range of renewable energy opportunities available in the area, including onshore renewables, indicating their benefits and potential contribution to national targets. (164, 270, 449)

Ensure adequate protection of Caithness and particularly the Caithness and Sutherland Peatlands from windfarm development. (537)

Dornoch Rail Link/Far North Line

Add in explanation as to how the vision for a ‘connected and accessible place’ (para. 5.2.1), including increased passenger numbers on the Far North Line, and an ‘improved rail connection’ (figure 1) will be achieved.

Add in to the vision an aspiration to reduce rail journey times between Caithness and Inverness by some means: the 3rd bullet point in the vision should be amended by continuing the sentence ending at “Bonar Bridge” adding the words “and significant reductions in journey times between Caithness and Inverness”.

Add in to the Plan reference to support for and promotion of the Far North Line, including potential Dornoch Rail Link at least as an aspiration, and one representor explicitly asks for the ‘route’ of the DRL to be included in the Plan whilst another seeks inclusion of a degree of safeguarding of the potential DRL in the consideration of development proposals.

(20, 42, 536, 227, 406, 417, 423, 425, 435, 440, 446, 448, 455, 474, 498, 512)

Areas for Potential Safeguard from Development

The development plan should give Loch Watenan and its surrounding areas complete protection from further development. (410)

Protection should be afforded to the Yarrows heritage landscape in Caithness, linked to economic development aims for the area. (521)

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

The support expressed for these aspects of this part of the Plan is welcomed.

General Points on Vision and Spatial Strategy

The support expressed for general aspects of this part of the Plan is welcomed.

The Plan and the existing local plans within Highland all support the concept of a hierarchy of settlements. With the exception of the Tornagrain new settlement proposal, all these plans allocate sites and direct future public infrastructure investment consistent with and proportionate to the size of the settlements in this hierarchy. It should be noted though that much of Highland's population has traditionally been sparse and remote. It may be more cost efficient per person in infrastructure terms to coax and concentrate them into larger communities but this runs contrary to Highland's tradition of dispersed settlement. Sustainability is a particularly difficult concept to apply to some rural areas. Improved technology provides a partial answer to this peripherality. The intention is to nurture the marine renewables industry; specialist engineering is relevant to that and the area is already valued for its offer. The Plan therefore has appropriate priorities, vision and spatial strategy for the area.

The Council is progressing Habitats Regulations Appraisal of the Plan, and the views expressed about particular aspects of the Plan that should be looked at as part of that appraisal have been noted.

Whilst the Council agrees that tourism will be important to the area, hence its inclusion in the list of sectors indicated in the Vision, the sectors are not in any priority order and the Council does not consider it appropriate to define a priority order.

The Council has responded to the issues raised about broadband in its response to representations on Policy 46 Communications Infrastructure (Issue 46). No changes are required to any part of the Plan.

The Plan already provides general policy coverage on the issue of aquaculture and parts of Sutherland are covered by Aquaculture Framework Plans which provide detailed locational guidance. Nevertheless, if the Reporter sees fit then the Council would support a brief, specific reference to the importance of aquaculture within para. 5.2.1.

Regarding the provision of cycleways, sufficient policy coverage is offered elsewhere in the Plan (in general policy 57 Travel), in area local plans and in the Council's active travel plans, as explained in response to representations on policy 57.

As indicated elsewhere in this response, it is commended that the map in figure 1 be clarified, although its scale and diagrammatic nature means that it would be difficult to show place names and they would imply locational accuracy which may be unfounded.

In response to representations on Policy 41 Retail Development (Issue 41), the Council has suggested to the Reporter the addition to the Plan of an appendix which sets out the settlement hierarchy, or otherwise preparation of Supplementary Guidance. Consideration of that provides opportunity for the position of Castletown in the hierarchy to be considered, based on an assessment methodology. The role of settlements and settlement growth is already a key strand of the Plan's approach to managing sustainable development.

The vision and spatial strategy does not prevent sustainable renewable energy development that is separated from communities.

In response to representations on Policy 68 Renewable Energy Developments (Issue 68), the Council has agreed to inclusion of the proposed HVDC cable from Caithness to Moray in the map (figure 1). This is commended below.

Marine Renewables and Associated Onshore Development

The Council is working with the Princes Foundation for the Built Environment and HIE on a North Highland Vision for marine renewables. It is focussing on the potential infrastructure and support industry requirements for this very important sector and will lead to the preparation of any necessary associated Supplementary Guidance as referred to in the final paragraph of Policy 42 Business and Industrial Land. It is not necessary to provide further amendment of the policy framework in the Plan, but it would be helpful to include reference to this work in the supporting text to Policy 68 Renewable Energy Developments and this is commended in the Council's response to representations on Policy 68 Renewable Energy Developments (Issue 68).

Policy 68 and other general policies of the Plan, together with marine planning work being undertaken by Marine Scotland for the area, will provide a basis for assessing and coming to an opinion on marine renewables proposals themselves.

The remarks about the map in figure 1 are noted. The map is somewhat diagrammatic and, at this scale, is not intended to show the precise location of facilities, etc. Nevertheless a number of these do relate to specific, known locations. For example there is reference to specific settlements listed in Policy 42 where there are existing industrial and business sites.

The notation "Offshore renewables base" in the vicinity of Dounreay on the map is actually intended to flag Scrabster Harbour near Thurso, and that of "Industrial sites of national importance" in the vicinity of Dounreay on the map is actually similarly intended to flag sites at Thurso. The notation "Potential offshore renewable energy" is not indicating the proposed route of a cable but rather is intended to flag the generality of the potential along the north coast and beyond for marine renewables.

The Council therefore commends (below) clarification of the map (figure 1) and where necessary the related text, particularly with regard to the intent for offshore renewables and offshore bases.

Onshore Renewables

The Highland Vision in the Plan and the supporting text to Policy 68 Renewable Energy Developments between them do reference renewable energy in general terms and the importance of the energy sector, whilst the Highland Renewable Energy Strategy (HRES) clearly indicates the potential of the area, acknowledging Highland's extensive resource. The Caithness and Sutherland Vision and Spatial Strategy of the Plan refer in particular to marine renewables due to the need to respond to this emerging industry and given the particular focus of it in that area of Highland. The potential of other technologies, in particular onshore wind energy is a Highland-wide issue.

The Onshore Wind Energy Supplementary Guidance which has recently (April 2011) been published by the Council as a draft for consultation will bring forward the spatial framework for windfarms. Preparation of it has been informed by a landscape and visual impact study at the strategic level. It will provide appropriate consideration, including any safeguard, to constraints including designated and non-designated sites. The Caithness and Sutherland Peatlands is subject of designations for their internationally important nature heritage.

Dornoch Rail Link/Far North Line

As indicated in the Council's response to representations on Policy 57 Travel (Issue 57), whilst the current Strategic Transport Projects Review (STPR) does propose some minor generic improvements to the rail network in the Highland area, such as the replacement of Radio Electronic Token Block signalling, the STPR does not contain any proposals for specific improvements north of Inverness, such as the Dornoch Rail Link. Despite this project being promoted by a campaigning group with some wider support, it would not attract the support of or funding from the Scottish Government during the period of the plan.

As such, the Plan's vision and spatial strategy is not dependent upon the delivery of significantly reduced journey times on the Far North Line. To include such in the vision would indicate such a dependency and there is no commitment on the part of Transport Scotland or Network Rail to delivering it.

The Plan may assist towards achieving significant increases in passenger numbers and rail freight by seeking to promote patterns of travel-generating development that enable travel/ transport choice and by taking a positive approach to proposals that would make use of rail as part of sustainable developments.

The generic improvements referred to in the STPR, in combination with increased usage levels of the line, could enable improved levels of service and go some way to improving rail connections.

Similar representations have been considered in previous development plan inquiries and most recently in the Examination for the current Sutherland Local Plan (see Report of Examination, pages 242-249). The reporter in that recent examination agreed with the Council's position to not protect a route for the Dornoch Rail Link.

The Plan makes reference to envisioning delivery of an improvement scheme for the A9 at Berriedale Braes. The Scottish Government have recently been working with the Council to carry out a ground investigation at the Berriedale Braes, to establish the feasibility of improving the road alignment at the north hairpin. The inclusion of reference to future improvement of the A9 at Berriedale Braes in the Proposed Plan reflects the importance that the Council attaches to achieving such an improvement, particularly on safety grounds. Such potential improvements are not to be confused with other, possibly much larger and more costly, road improvement ideas for Berriedale Braes that have been discussed in the past.

The Council's position is that no changes should be made to the Plan in response to representations on the matter of the Dornoch Rail Link / Far North Line.

Areas for Potential Safeguard from Development

The general policies of the Plan provide a sufficient framework for assessing potential impacts of development proposals in the area around Loch Watenan, for example in terms of landscape, habitats and species considerations. Additional policy safeguard could be provided through the designation of a nature conservation site specifically if the site were assessed as being of sufficient value to warrant such an approach, but that is not a matter for the Plan itself to progress.

In respect of the Yarrows landscape, where there are natural, built or cultural heritage features then these are subject of protection under general policies of the Plan. Policy also enables consideration of impacts on landscape generally. Development of the future Caithness & Sutherland 'Area' LDP (referred to in the Council's Development Plan Scheme) will provide opportunity to propose any more specific economic development opportunities arising from the value of this specific area. No change is required to the HwLDP.

Any further plan changes commended by the planning authority:

Clarification of the map (figure 1) and where necessary the related text, particularly with regard to the intent for offshore renewables and offshore bases.

Add in to the map (figure 1) the proposed HVDC cable from Caithness to Moray.

Reporter's conclusions:

Further information received

1. SNH has withdrawn its representation in relation to the 6th and 8th bullet points of paragraph 5.2.1 in the light of clarification to be provided in the new paragraph 3.8.3.
2. SNH has also withdrawn its representation with respect to the heading of the Figure 1 map on the understanding that the map heading will be altered to "Vision and Spatial Strategy" and that the proposed paragraph 3.8.4 is amended, as Habitats Regulations Appraisal mitigation.
3. The Council has pointed out that the Dornoch Rail Link was considered for inclusion in the Scottish Government's Strategic Transport Projects Review but not included. The Review has a 20

year time horizon. Should the situation change, a future review of the local development plan could respond accordingly.

4. In response to the representation by the Mountaineering Council of Scotland, the Highland Council acknowledges that local interests may seek to promote development which is at odds with, for example, nationally important landscapes, and that the Highland Council might well not support such development. But the overall vision of a heritage safe in the custody of local people is worthwhile and does not require to be changed.

Conclusions

Realism/alternative vision (representation 453)

5. Whilst the council's vision is no doubt ambitious and challenging, it is based on work contained in the adopted local plan and a vision document produced by the local regeneration partnership. Moreover, it is supported by a number of key stakeholders. The alternative vision, based on natural assets, put forward by M Gilvray, is not supported by analysis and, on the face of the matter, would seem likely to reduce economic activity, jobs and population. That gives me no basis for changing the council's vision.

Scattered housing (representation 453)

6. Although the building of houses in remote locations is debated under this heading, the vision actually promotes something different, namely a network of strong communities with enhancement of the main centres as service centres.

Tourism (representation 83)

7. The bulleted list in paragraph 5.2.1 is not in priority order, so there is no need to change the place of tourism in that list.

Renewable energy potential, including onshore (representation 449)

8. Whilst the Caithness and Sutherland Vision highlights marine renewables, this is because it is an emerging sector and has particular potential in this area. The general support for renewables found in Policy 68 and its supporting text applies throughout the Highlands. More detail, including a spatial framework, will be contained in supplementary guidance.

Map (Figure 1) (representations 5, 118, 180)

9. The council is concerned that, adding place names to the map would imply unfounded locational accuracy, because of its scale and diagrammatic nature. However, many of the symbols on the map relate to specific towns and villages. If users of the plan wish to identify those places, but are not familiar with the geography of the region, they must undertake a laborious process of comparing figure 1 with a standard map.

10. Scottish Planning Policy places great emphasis on the clarity and accessibility of development plans. Consequently, as far as possible, the council should seek to include place names for ease of reference. I note that the key diagram for the Highland Structure Plan 2001 included place names even though it was at a slightly smaller scale.

11. As agreed between SNH and the Council in the Habitats Regulations Appraisal process, the Figure 1 map is to be headed "Vision and Spatial Strategy", and paragraphs 3.8.3 and 3.8.4 are to be added to clarify the status of the Visions section and to ensure that protective policies such as Policy 58 are properly taken cognizance of.

12. As accepted by the Council in its Policy 68 response, it would be informative for the proposed High Voltage Direct Current cable from Caithness to Moray be indicated on figure 1.

Castletown (representation 532)

13. The question of whether Castletown should be identified as a Local Centre is part of the larger issue of settlement hierarchy. That is considered in the context of Policy 41: Retail Development. The consideration of potential expansion of the settlement is linked to that issue.

Aquaculture (representation 404)

14. Aquaculture is one of a number of economic sectors mentioned in the overall vision for the Highlands, but not singled out in any of the 3 spatial strategies. It is better that the latter concentrate on what is distinctive and emerging in those areas.

Cycleways (representations 168, 533)

15. Two representors have criticised the lack of reference to cycleway provision in the Caithness and Sutherland Vision. There are references to cycling and active travel in the Highland Vision. Again it is reasonable for the former to concentrate on what is distinctive in those areas. Further policy coverage for cycling is found in Policy 57: Travel, in area local plans, and in the council's active travel plans.

Marine renewables and associated onshore development (representations 26, 83, 118, 190, 268)

16. The present format and lack of place names on Figure 1 has led to uncertainty on the part of Dounreay Site Restoration Ltd as to whether Dounreay is identified as an industrial site of national importance, and whether an offshore renewables base is intended for Dounreay. Whilst neither is the case and the council's intentions for those notations is explained in the council's response, that underlines the need to improve the clarity of Figure 1.

17. That could be achieved in a number of ways, in addition to adding place names, as recommended below. For example, locations in the more cluttered parts of the map could be listed in the legend together with the symbols relevant to them. Alternatively, the locations associated with each of the symbols could be listed after each symbol.

18. The further detail on the wave and tidal sectors sought by Highlands and Islands Enterprise and the policy framework requested by Scottish and Southern Energy is to be developed in a North Highland Vision, possibly leading to the preparation of supplementary guidance, as mentioned in Policy 42: Business and Industrial Land. That more detailed work is signalled in the plan and is appropriate for supplementary guidance.

19. The map notation for "Potential offshore renewable energy" has confused some representors as to whether it is purely offshore, if so how far, and whether it represents a cable route. It is, actually, intended to represent the potential for marine renewables along the north coast and beyond. It would be better to replace the linear symbol with an area notation, like that for Geoparks, extending along the coastal fringe and relevant part of the Pentland Firth.

Dornoch Rail Link/Far North Line (representations 20, 42, 227, 406, 417, 423, 425, 435, 440, 446, 448, 455, 474, 498, 512, 536)

20. The council's judgement is that the Dornoch Rail Link is unlikely to be implemented during the plan period. It has no current support or funding commitment from the Scottish Government, including in its Strategic Transport Projects Review (which has a 20 year time horizon). In the recent examination of the Sutherland Local Plan, the reporters agreed with the council's position not to protect a route for the link. Neither is there any current commitment from Transport Scotland or Network Rail for reducing journey times on the Far North Line. The plan's vision and strategy do not depend on reduced journey times. In those circumstances, I have no basis on which to recommend the inclusion of these initiatives in the vision.

Areas for potential safeguard from development (representations 410, 521)

21. Any development around Loch Watenan and the Yarrows will be subject to the general policies of the plan regarding landscape, habitats, species, cultural heritage, etc. The vision covers the strategic scale; reference to these local areas would be more appropriate for future area local development plans.

Landscape protection (representation 2)

22. I agree with the Highland Council that, whilst there may be occasions when local people propose development which the Council may require to oppose in order to protect important landscapes, nevertheless, the general aspiration is worthy of expression in the vision.

Reporter's recommendations:

I recommend the following modifications:

1. The Figure 1 map should be headed "Vision and Spatial Strategy", and new paragraphs 3.8.3 and 3.8.4 added as follows:

3.8.3 The following sections outline the Highland Council's Vision for the Highland area as a whole and for the three areas which will be the subject of future Local Development Plans. These Visions are not policies *per se*; rather they are an expression of what the Highland area could be like in 2030. Where reference has been made to individual projects, these are either dealt with in more detail within the body of this plan, or will be considered within the forthcoming Local Development Plan for the relevant area. In all cases, these projects will be subject to the necessary assessments, including Habitats Regulations Appraisals where appropriate.

3.8.4 Planning applications will be assessed against all the policies and legislation relevant to the particular proposal and location. Conformity with a single policy or element of the Vision and Spatial Strategy does not necessarily indicate that a proposed development would be acceptable.

2. In Figure 1 –

- Place names should be included in association with symbols on the map, as far as possible. (For consistency, the same should apply to Figures 2 and 3 also.)
- The location of the facilities indicated by those symbols should be clarified by one of the methods referred to at paragraph # above, or by an equivalent method.
- The linear notation for "Potential offshore renewable energy" should be replaced by an area notation.
- The approximate line of the proposed High Voltage Direct Current cable from Caithness to Moray should be added.

3. In the last sentence of paragraph 5.2.2, the reference to "chapter 4" of the plan should be amended to "section 17".

Issue 83	West Highland and Islands Vision	
Development plan reference:	Chapter 6 - West Highland and Islands Vision (Pages 14 - 16)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Mountaineering Council of Scotland (MCS) (2) Leiths Scotland Limited (Leiths) (87) Scottish Natural Heritage (SNH)(118) Highlands & Islands Green Party (HIGP) (168, 533) Scottish Council for Development and Industry (SCDI) (180) Highlands and Islands Enterprise (HIE) (190) Crofters Commission (271) Inverloch & Torlundy Community Council (318) Lochalsh Estates (349) Scottish Salmon Producers' Organisation (404) Lochaber Partnership (452) M Gilvray (453) Kishorn Port Ltd (Kishorn) (466) Portree Community Council (471) Skye Cancer Care (482) North Skye A&E Awareness Group (493) Portree Medical Centre (495).</p>		
Provision of the development plan to which the issue relates:	Vision for West Highland and Islands area	
Planning authority's summary of the representation(s):		
<p><u>MCS (2)</u></p> <ul style="list-style-type: none"> Feels the Plan should support a more diverse range of renewable energy developments rather than concentrate on on-shore wind. This concentration is at odds with safeguarding West Highland and Islands' outstanding heritage. Believes this heritage covers many parts of that area and that large scale wind farms are therefore generally unacceptable. <p><u>Leiths (87)</u></p> <ul style="list-style-type: none"> Supports map and textual references to Kishorn's shore-base development potential. <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> Broadford airstrip should be Habitats Regulations Appraisal assessed. <p>The links roads for Portree and Fort William are too far out of the respective urban areas. Requests clarification of renewable base/natural resources and national tourism trail notations on Figure 2.</p> <p><u>HIGP (168, 533)</u></p> <ul style="list-style-type: none"> Provision for cycleways is non-existent and must be included in the area strategy. <p><u>SCDI (180)</u></p> <ul style="list-style-type: none"> Supports Kishorn marine renewables references. Wants more explicit support via a specific Kishorn masterplan policy and related supplementary guidance. Kishorn is important because it is identified in the National Renewables Infrastructure Plan and is likely to be useful for operations and maintenance functions for off-shore industries. 		

SCDI (180), Scottish Salmon Producers Organisation (404)

- Seeks reference to importance of aquaculture within this area because: food security is a growing issue for Scotland, the UK and beyond; salmon farming is a key resource and economic sector for the area; supports sustainable communities, and; appropriate protection to existing sites and sites for development should be made.

HIE (190)

- Reports strategic importance of Kishorn as a port and harbour in servicing off-shore industries particularly emerging industries such as off-shore renewables. Plan should promote its future use and development via a specific policy and allocation comparable to that for Nigg.
- Welcomes a separate Vision for the West Highland and Islands area but desires a fuller account of how it will be put into practice via addition to the Action Programme and by augmentation of the Vision text. Suggests augmented text to reference the importance of developing high quality tourism via high quality visitor facilities and service including high quality cuisine which would result from the use of high quality local produce. Similarly the need to attract year round outdoor activity based tourism should be referenced building on the ongoing "outdoor capital" brand. The diving international centre for excellence should be referenced.

Crofters Commission (271)

- Suggests additional reference that the more productive land of existing crofts is safeguarded from any development, which could alternatively be sited on adjacent poorer land. This is not to discourage any welcome developments in economically fragile areas, rather it is to encourage the more thoughtful use of all available land. This approach would be consistent with one of the aims of the Crofters Commission to encourage more purposeful use of existing croft land.

Inverlochy and Torlundy Community Council (318)

- Seeks greater recognition of and support for the West Highland Geoparks.

Lochalsh Estates (349)

- Supports the Vision for the West Highland and Islands area and re-affirms its commitment to deliver a mixed housing development on land at Auchtertyre in Lochalsh. The land is allocated in the adopted local plan and its development will help meet the stated Vision objectives of delivering more affordable housing and providing growth in well connected locations.

Lochaber Partnership (452)

- Reports as Lochaber's Community Planning Partnership. Feels the Plan still places too much emphasis on the Inner Moray Firth in terms of its content and priorities. Wishes to see the Plan's Action Programme augmented in particular in terms of actions and projects within Lochaber and wider West Highland which will deliver economic growth in that area.
- Suggests a list of projects and priorities for the Action Programme as follows: improving transport links as a social and economic driver (A82 and A830 improvements, opening but fixed crossing at Corran narrows, faster and more reliable west coast ferry services, more freight and leisure facilities on the Caledonian Canal, seaplane landing and berthing facilities, better inter-modal freight transfer facilities); a mechanism for securing rural developer contributions; protection and promotion of Corpach, Mallaig and Kishorn as commercial / industrial opportunities; improved recreational sailing facilities at Fort William, Lochaline, Mallaig, Skye and the north west; upgrading and extension of the electricity grid to support further renewable energy developments; a 6 month change of use restriction on community and commercial facilities that close in fragile areas; redirection of development pressure from better to poorer agricultural land, and; a development brief to progress the design and site acquisition of new health care provision at Blar Mor, Fort William.

M. Gilvray (453)

- Believes the Plan should be more realistic about where growth can be directed to. The remoter parts of Highland are less suitable for growth because the infrastructure networks there cannot support it or it is very expensive per person to add capacity to those networks and these areas

only tend to attract people making a lifestyle choice rather than moving for economic reasons. It is more cost efficient, realistic and sustainable to concentrate growth and infrastructure investment in main centres such as Fort William.

Kishorn (466)

- Supports references to development of Kishorn in Plan but requests a specific policy commitment to reference the developer masterplan for the site, for the Council to consult on it and for it then to become statutory supplementary guidance founded on this policy. Cites reasons for a specific policy as: the strategic importance of site as potential shore-base for off-shore industries; that former and existing uses were/are important to the Highland economy; the existence of a deep water haven and harbour facilities; the opportunity for most trade movements to be by sea; the co-operation of all affected owners and tenants; the availability of environmental baseline data; the prospects of more jobs; the support in national and existing local plan guidance; the site's particular suitability for off-shore renewables in terms of base construction and assembly of large components; that adjacent level land is suitable for covered buildings and/or lay down areas for large components; that there is current industry interest in the site for decommissioning redundant units; that quarry aggregate resources exist on site, and; that there is a skilled local labour force. Suggests that its future masterplan will address all relevant issues including: landscape impact, light pollution, pollution control, other mitigation, biodiversity, impact on designated heritage sites, economic impacts and likely housing requirements.

Portree Community Council (471) & North Skye A&E Awareness Group (493)

- Objects to inference in 2nd bullet point of para. 6.2.1 that any new hospital provision for Skye will be in Broadford rather than Portree. Believes Portree would be a better location because: it's more central to the island's population; it is the island's cultural, economic and public transport hub; it is closer to the existing and likely future workforce of the hospital; is closer to complementary ambulance and doctor provision, and that; closing the existing Portree medical provision will increase average journey times and distances.

Skye Cancer Care (482)

- Reports as retired local GP that he objects to the inference in para. 6.2.1 that there should be a single hospital serving Skye and Lochalsh and that it should be based in Broadford and not Portree. Reasons that Portree would be a better location because: it is more central to the population served; Portree is Skye's administration and employment centre, and; all previous assessments have concluded that Portree is the optimum location.

Portree Medical Centre (495)

- Seeks clarification of reference in para. 6.2.1 to new health facilities on Skye. Queries the type, location and impact of any new facilities.

Modifications sought by those submitting representations:

- Clarification that there will be no large scale wind farms within the West Highland and Islands area (assumed) (2).
- Clarification that: Broadford airstrip is subject to appropriate protection of adjoining Natura interests; the link roads for Portree and Fort William are urban rather rural links, and the renewable base/natural resources and national tourism trail developments on Figure 2 will not compromise heritage interests (assumed) (118).
- Additional reference(s) to provision for cycleways (assumed) (168, 533).
- A specific policy identifying Kishorn as an off-shore industry shore-base and supporting a masterplan for the site which would then be adopted by the Council as statutory supplementary guidance (180).
- Seeks specific reference to importance of aquaculture within this area (180), (404).
- A specific policy and allocation comparable to that for Nigg to promote Kishorn's future use and development as a port and harbour in servicing off-shore industries particularly emerging industries such as off-shore renewables (190).

- A fuller account of how the Vision will be put into practice via addition to the Action Programme and by augmentation of the Vision text. Suggested amended text in summary of representation above (190).
- Suggests additional reference that the more productive land of existing crofts is safeguarded from any development, which could alternatively be sited on adjacent poorer land (271).
- Additional bullet point at end of para. 6.2.1 to state, “have established itself as an area of outstanding Earth Heritage through the promotion of its European and Global Geoparks” (318).
- Additions to Plan’s Action Programme (see summary of representation above for details) (452)
- An amended Vision that gives greater priority to Fort William and other larger centres for growth ahead of the remoter areas. (assumed) (453).
- A specific policy to reference that a developer masterplan will be prepared for Kishorn and that the Council intends to consult on it and for it then to become statutory supplementary guidance founded on this policy (466).
- Removal from para. 6.2.1 of any reference to Broadford as being the preferred location for new hospital provision on Skye or that Portree is stated as the preferred location (assumed) (471, 482, 493, 495).

Summary of responses (including reasons) by planning authority:

MCS (2)

- The Issue 68 schedule on Renewable Energy Developments covers the general issues raised. The heritage of the West Highland and Islands area as a whole is no more or less deserving of protection from large scale wind farm developments than other areas of Highland. It is the specific heritage feature (or features) and its (their) sensitivity to impact from wind farm developments that are relevant.

Leiths (87)

- Support noted.

SNH (118)

- The Broadford airstrip proposal was Habitats Regulations Appraisal assessed through the recent West Highland and Islands Local Plan process. The Examination Report (pages 239-246) confirmed additional wording (developed by the Council and SNH) to the site-specific local plan policy that better references and protects adjoining Natura site interests.
- Figure 2 is very indicative because of its scale and size of symbols. More precise alignments for the links roads for Portree and Fort William are set out within the adopted West Highland and Islands Local Plan (Fort William and Portree Inset Maps). They are both within the respective urban areas.
- All of the renewable base/natural resources notations relate to existing pier facilities which are allocated for expansion in the respective local plans. The “Broadford” symbol relates to the sand and gravel quarry at Altanavaig Quarry, Kyleakin which has pier facilities and a large, flat worked out area.
- The national tourism trail notation in North Lochaber and South Lochalsh is the proposed Sustrans national cycle route extension from Fort William to Skye. It uses existing adopted roads and tracks along most of its route but improvements will be required along the north shore of Loch Hourn.

HIGP (168, 533)

- Sufficient policy coverage is offered elsewhere in the Plan (in general policy 57 Travel, in area local plans and in the Council’s active travel plans. See Issue 57: Travel schedule.

SCDI (180)

- The adopted Wester Ross Local Plan (page 7 of Written Statement and Kishorn Yard settlement inset and text) already allocates the former Kishorn Yard and surrounding land for the uses suggested and requires further development brief / framework plan work. The Council believes that this reference together with those in the Plan’s Vision and in Policy 42: Business and Industrial Land are sufficient. It is understood that a developer masterplan will be prepared

and the Council could input to, review and then adopt that as non-statutory supplementary guidance in due course. However, if the Reporter regards these references as insufficient then the Council would accept an augmented or separate policy reference.

SCDI (180), Scottish Salmon Producers Organisation (404)

- The Plan already provides general policy coverage on this issue and many parts of West Highland are covered by Aquaculture Framework Plans which provide detailed locational guidance. If the Reporter sees fit then the Council would support a brief, specific reference to the importance of aquaculture, which would most appropriately be placed within the 6th bullet of para. 6.2.1.

HIE (190)

- See response to SCDI above. Nigg is different in that a masterplan has already been commissioned by the Council and completed. The developer masterplan for Kishorn has yet to be prepared and may or may not be acceptable to the Council as planning authority.
- The suggested augmentation of the Vision text is supported by the Council. See commended change below (190).

Crofters Commission (271)

- The wording of the 6th bullet of para. 6.2.1 is intended to encourage a more even balance between the need for development and for the safeguarding of better quality croft land within crofting areas. General policy 48 Safeguarding Inbye/Apportioned Croft Land, provides sufficient, specific policy tests and presumptions to apply this aim. Accordingly, consideration of croft land quality (for agricultural purposes) is integral to the Council's decision making. The additional reference suggested may if taken out of context imply that (relative) croft land quality is the only factor in decision making whereas in reality and in the Council's policy it is an important but not over-riding factor.

ITCC (318)

- The Council supports the sentiment behind the suggested change. Indeed, the wider Plan already incorporates a specific geodiversity general policy which references the two Highland geoparks in its supporting text. If the Reporter feels an additional reference is necessary then it would most appropriately (in the Council's view) be incorporated in the 6th or penultimate bullet point of para. 6.2.1 as an example of heritage husbandry. The Council wishes to avoid references to the husbandry of each and every type of heritage.

LE (349)

- Support noted.

LP (452)

- The Council accepts that the Plan's Action Programme contains no references or projects specific to Lochaber or the remainder of the West Highland and Islands area. This is a product of the content of the Plan itself which focuses on those parts of Highland that most need an update of their planning policies - the A96 Corridor and Caithness. It does not represent or reflect a lower priority status for other parts of Highland.
- Most of the West Highland and Islands area is covered by a recently adopted local plan that embodies many of the ideas suggested. The successor, area local development plan for this area will have its own action programme, which will provide further implementation detail for specific projects.
- The Council consciously has limited the Plan's Action Programme to those projects over which it has a measure of control so that the Programme represents a practicable rather than an aspirational document. Projects which are worthy but without any investment programme commitment or even feasibility assessment monies from any organisation are best limited to the Vision and expressed in general terms.
- If the Reporter disagrees with this approach then two specific projects may merit inclusion such as the Council's input to a developer masterplan for Kishorn and a feasibility assessment of a seaplane berthing and reception facility at Fort William. The Blar Mor area of Fort William now has a planning permission which includes land safeguarded for health care provision.

M. Gilvray (453)

- The Plan and the existing local plans within Highland all support the concept of a hierarchy of settlements. With the exception of the Tornagrain new settlement proposal, all these plans allocate sites and direct future public infrastructure investment consistent with and proportionate to the size of the settlements in this hierarchy. Fort William, for example contains the majority of Lochaber's allocated housing and employment site capacity.
- The Vision's 5th bullet point recognises the issue raised in terms of public expenditure restraint. The Council will actively try to bolster the largest villages in the remotest areas so there is more chance of holding on to services and facilities even if they have to be rationalised and amalgamated.
- It should be noted that much of Highland's population has traditionally been sparse and remote. Many Highlanders find themselves in a remote community by birth not as a result of lifestyle choice. It may be more cost efficient per person in infrastructure terms to coax and concentrate them into larger communities but this runs contrary to Highland's tradition of dispersed settlement. Sustainability is a particularly difficult concept to apply to an area covered by dispersed crofting townships, shared parish-wide facility catchments and next to no public transport. Add in the physical constraints of lochs and mountains, and the average distance between people and their services increases further. Improved technology provides a partial answer to this peripherality. High speed broadband for example is being pioneered in Skye which will allow people to do business, to shop, to meet, to seek advice and to be educated without the need to travel.

Kishorn (466)

- See SCDI and HIE responses above. The Council welcomes the developer's intention to undertake further feasibility and assessment work. Dependent upon the outcome of this work and the Council's consideration of it, more detailed policy support may be appropriate but at this juncture the Council believes that the adopted local plan and Plan content provide sufficient, positive support for an, as yet, undefined proposal.

PCC (471), NSA&EAG (493) & PMC (495)

- The reference to new health care facilities in Broadford reflects a recently adopted local plan commitment (site MU1 on page 73 of the Written Statement) to safeguard land for expansion, relocation or redevelopment of the existing hospital at Broadford. NHS Highland has yet to make a decision on future health facility provision in Broadford and across the wider area. The Broadford allocation was made in the adopted local plan because it's: in close proximity to existing health facilities in the village, owned by NHS Highland; large enough to accommodate any new build facility, and; relatively cheap to develop given its good ground conditions and proximity to service networks. That said, given current and likely future, public, capital expenditure constraints, new build, expansion provision at Broadford or anywhere else is unlikely in the short term. Accordingly, the Council would suggest the Vision wording simply reflects the recently adopted local plan position. If the Reporter deems a change is required then it should be limited to eliminating any reference - i.e. deleting "and at Broadford" from the end of the 2nd bullet point of para. 6.2.1.

SCC (482)

- See PCC et al. answer above. Portree is more central to Skye but Broadford is more central to Skye and Lochalsh. Also, Portree does not contain any large, available, central sites suitable for any new build provision. In any event, public funding for any single, new build facility looks very unlikely at least within the initial 5 year Plan period and therefore deletion of the reference may be appropriate.

Any further plan changes commended by the planning authority:

The augmentation to the West Highland and Islands Vision text suggested by HIE. This would most appropriately be made within the final bullet point of para. 6.2.1 (190).

Reporter's conclusions:**Further information received**

1. SNH has withdrawn its representation with regard to the first bullet point of paragraph 6.2.1 in the light of clarification contained in the new paragraph 3.8.3.
2. SNH has also withdrawn its representation with respect to the heading of the Figure 2 map on the understanding that the map heading will be altered to "Vision and Spatial Strategy" and that the proposed paragraphs 3.8.3 and 3.8.4 are amended, as Habitats Regulations Appraisal mitigation.

ConclusionsMap/Figure 2 (representation 118)

3. As agreed between SNH and the Council in the Habitats Regulations Appraisal process, the Figure 1 map is to be headed "Vision and Spatial Strategy", and paragraphs 3.8.3 and 3.8.4 are to be amended to clarify the status of the Visions section and to ensure that protective policies such as Policy 58 are properly taken cognizance of. The addition of those amended paragraphs is recommended under issue 82, and so is not repeated below.

4. SNH is concerned that the link roads for Portree and Fort William appear to lie outwith the respective urban areas on the map. However, the figure 2 map is diagrammatic and small scale, so precise locations cannot be shown. More precise alignments can be found on maps in the adopted local plan. These show that the roads lie within the urban areas.

5. SNH has questioned the meaning and locations of notations on the map, referring to "renewables base/natural resources" and "national tourism trail". Uncertainty over the meaning of notations on the map should be addressed. For consistency that should apply also to figures 1 and 3.

Renewable energy (representation 2)

6. The vision refers to "a more diverse economy" and renewable energy developments in general. It does not concentrate on onshore wind energy, as the Mountaineering Council of Scotland alleges.

Broadford airstrip (representation 118)

7. The requirement for Habitats Regulations Appraisal of Broadford airstrip, referred to by SNH, has been met by wording added to the relevant site-specific policy in the West Highland and Islands Local Plan (adopted 2010), which was agreed with SNH.

Cycleways (representations 168, 533)

8. Two representors have criticised the lack of reference to cycleway provision in the Highland and Islands Vision. There are references to cycling and active travel in the overall Highland Vision. It is reasonable for the area vision to concentrate on what is distinctive in that area. Further policy coverage for cycling is found in Policy 57: Travel, in area local plans, and in the Council's active travel plans.

Kishorn Yard (representations 180, 466)

9. The reference to Kishorn Yard in this vision section of the plan is sufficient. As the Council explains, the detailed matters referred to are more appropriate for the local plan and site specific documents.

Aquaculture (representations 180, 404)

10. Aquaculture is one of a number of economic sectors mentioned in the overall vision for the Highlands, but not singled out in any of the 3 spatial strategies. It is better that the latter focus on what is distinctive and emerging in those areas.

Augmented text (representation 190)

11. The Council commends the addition to the final bullet point of paragraph 6.2.1 of references to tourism and outdoor activities as requested by Highlands and Islands Enterprise. I agree that these

are appropriate.

Crofting (representation 271)

12. The wording of the 6th bullet point includes crofting in a balanced approach to the land and natural resources. The detailed framework within which factors affecting crofting development proposals are weighed is dealt with in the plan's specific crofting policies.

Geoparks (representation 318)

13. Policy 63: Geodiversity and the supporting text set out the Council's position on matters including geoparks. I agree with the Council that it would not be appropriate for the vision statement to refer to the husbandry of every type of heritage.

Lochaber area (representation 452)

14. The Lochaber area benefits from a recently adopted local plan. By contrast, the A96 Corridor requires updated planning policies. This is why the Highland-wide plan concentrates on the latter. No priority status is implied by that emphasis. My remit does not extend to the content of Action Programmes so I cannot comment or recommend on that matter.

Concentration of growth (representation 453)

15. M Gilvray argues against directing growth towards the remoter parts of the Highlands as being unrealistic and unsustainable. But the vision statement emphasises growth and infrastructure investment in settlements. In remoter areas, it envisages the larger villages having rationalised and amalgamated, but still effective, "lifeline" services. I cannot therefore accept the representor's criticisms.

Hospital provision on Skye (representations 471, 482, 493, 495)

16. Representors argue that the 2nd bullet point should refer to hospital provision in Portree rather than Broadford. However, the recently adopted West Highland and Islands Local Plan safeguards land for the expansion, relocation or redevelopment of the existing hospital at Broadford. The vision simply reflects that fact.

Reporter's recommendations:

I recommend the following amendments:

1. To the 9th bullet point of paragraph 6.2.1 should be added references to tourism and outdoor activities as requested in the representation by Highlands and Islands Enterprise.
2. The Figure 2 map should be headed "Vision and Spatial Strategy".
3. The meaning of notations on the map should be clarified, notably "renewables base/natural resources" and "national tourism trail". (For consistency the Council may wish to apply that also to figures 1 and 3.)

Issue 84	Inner Moray Firth Vision	
Development plan reference:	Chapter 7 - Inner Moray Firth Vision (Pages 17 - 19)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coriolis Energy LLP (1) Mary Harrison (73) Scottish Natural Heritage (SNH) (118) GH Johnston Building Consultants for County Properties (Northern) Ltd (CP) (137) Killearnan Community Council (KCC) (144) Highlands and Islands Green Party (HIGP) (168, 533) Mrs Annie Stewart (172) Carl Beck (178) Scottish Council for Development and Industry (SCDI) (180) Mackay, Robertson and Fraser for Blair of Tarradale Farm (183) Highlands and Islands Enterprise (HIE) (190) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Turnberry Consulting Ltd for Highlands and Islands Enterprise (HIE) (240) Drivers Jonas Deloitte for Asda (242) Trustees of the Harbour of Inverness (352) Kiltarlity Community Council (392) M Gilvray (453) Halliday Fraser Munro for RF More Properties Ltd (RF More) (479) Strutt & Parker LLP for I & DJ Alexander (Alexander) (488) S & A Corbett, A & A Currie, W & K MacKenzie (519)</p>		
Provision of the development plan to which the issue relates:		
Planning authority's summary of the representation(s):		
<p><u>Coriolis (1)</u></p> <ul style="list-style-type: none"> Wants Vision to be amended to include a positive policy presumption for onshore wind farms within this area as it is promoting two proposals. Offers reasons as: good access provision and grid connections; fewer constraints than other parts of Highland; the contribution of renewable energy to the local economy and specifically in terms of job creation especially when other sectors are declining; the industry's role in reversing the loss of young people. <p><u>Mary Harrison (73)</u></p> <ul style="list-style-type: none"> Queries how the area's infrastructure barriers to growth will be removed by 2030 in particular the A9 and A96 improvements. Questions how development at Croy is complying with the visionary theme of directing development to where spare capacity exists. Cites the single track road from Croy to the airport as having little capacity. <p><u>SNH (118)</u></p> <ul style="list-style-type: none"> Urges that statement in para. 7.2.1 (7th bullet) about supporting ports and harbours development for offshore activities should be subject to Habitats Regulation Appraisal (HRA). The Figure 3 notation showing "improved marine access" into the Cromarty Firth should be assessed as part of HRA. Suggests an improved rail connection notation should be shown for the Inverness-Aberdeen railway line on Figure 3. <p><u>CP (137)</u></p> <ul style="list-style-type: none"> Objects to non-identification of Tore as a strategic expanded settlement. Justifies its suitability because it: can be expanded by a small number of willing landowners; was identified in the 		

Council's Main Issues Report as a potential new settlement; is supported in the Council's Inner Moray Firth Ports and Sites Strategy; has land safeguarded for expansion in the last local plan; has a range of community and employment facilities; does not comprise prime agricultural land; could have feasible public sewerage with a greater critical mass; has good bus and road connections and includes a potential park and ride site; is a less constrained option for expansion than other alternatives on the Black Isle; could offer potential for a mixed use, masterplanned expansion; comprises existing and allocated employment land; offers commuting opportunities to Muir of Ord and Easter Ross rather than Inverness; is of at least equal significance to small settlements in the A96 Corridor such as Ardersier, Croy, Cawdor and Culloden Moor; could offer improved bus connections; wasn't ruled out by the Reporter at the last local plan inquiry; could complement the growth of other Mid and Easter Ross settlements, and; offers a better more sustainable growth option than Tornagrain and Whiteness because it represents expansion of an existing community with existing infrastructure capacity.

- Objects to lack of reference to Black Isle. Feels this area has spare landscape and infrastructure capacity. Reference to park and ride at Tore should be included as it tackles a strategic commuting problem.

Kiltarlity Community Council (144)

- Requests that Redcastle be designated as a conservation area. Feels the settlement complies with requirements of Scottish Ministers to be designated as such.

HIGP (168, 533)

- Provision for cycleways is non-existent and must be included in the area strategy.

Mrs Annie Stewart (172)

- Supports the Vision's references to wet weather tourist facilities, transport improvements and the new university. However, feels that too much concentration on Inverness will be to the detriment of the outlying parts of Highland. Believes that the Vision should encourage the organic, economic opportunity-led development of all Highland communities based on their unique identities and assets. This would include dispersal of growth including for example "branch" wet weather tourist and university facilities.

Carl Beck (178)

- Believes there should be sufficient separation between residential and industrial property in Invergrordon. Feels the planning system should have more control over developments by the Cromarty Firth Port Authority because they tend to be bad neighbour developments and are classified as outwith planning control. Feels this lack of control undermines the whole planning process.

SCDI (180)

- Requests that Plan support development of all ports and harbours not just those listed in the National Renewables Infrastructure Plan because these other ports and harbours could be used for operations and maintenance activities for the full range of off shore activities.
- Suggests that re-establishing a direct air link between Inverness Airport and an international hub is a key priority.

Blair of Tarradale Farm (183)

- Wants Muir of Ord identified as part of Easter Ross Growth Corridor and all site-specific policies and mapping deleted from the Plan. This would remove any priority being given to new (compared to adopted local plan allocations) sites ahead of land at Muir of Ord within the Inner Moray Firth area. These decisions on new sites should be left to the Inner Moray Firth Local Development Plan process. Believes current Plan approach will cause confusion. Believes land at Muir of Ord is well placed to be a new site because it: is in a sustainable location; should be part of a growth corridor; has transport infrastructure with spare capacity unlike other places; offers connection to a sustainable mode of transport which will reduce greenhouse emissions; would bolster a higher order settlement; is close to Inverness and will therefore encourage

modal shift in commuting patterns; conforms with national planning policy; could offer business/employment land, and; could help deliver the Council's aspirational population growth target.

HIE (190)

- Believes Plan should cover all major settlements and development sites across Inner Moray Firth not just those for A96 Corridor, Inverness and Nigg to provide a more balanced approach to growth. Dalcross railway station should be referenced in the Vision as it is a firm proposal. Other ports and harbours should be referenced other than Whiteness and Nigg because they also have potential to tap into growth in off shore industries.

Balnagown Castle Properties Ltd (229)

- Supports improved rail service north of Inverness. Wants all site-specific policies and mapping deleted from the Plan. This would remove any priority being given to new (compared to adopted local plan allocations) sites ahead of other possible development sites within the Inner Moray Firth area. These decisions on new sites should be left to the Inner Moray Firth Local Development Plan process. Believes current Plan approach will cause confusion.
- Objects to Figure 3 waste facility symbol because it represents recycling and this may not be the intended purpose of the facility. Waste facilities will undermine the tourism potential of the area in particular the cruise liner trade. Figure 3 is too indicative and should be shown on a larger map with more definitive proposals and boundaries.

Turnberry - HIE (240)

- Suggests 7th bullet of para. 7.2.1 is amended to provide a fuller and more accurate reference to the role of the new university campus in retaining young people - i.e. that it will provide job opportunities and sports facilities as well as further education.

Asda (242)

- Queries why some parts of the Inner Moray Firth have been considered in detail (such as Inverness and the A96 Corridor) and why others such as Tain have not. Believes all service centres including Tain should have equivalent policy coverage in terms of phasing and allocations as those in Inverness and the A96 Corridor. Objects to non-inclusion of expansion area south and east of Tain which is allocated in the adopted local plan and incorporates Asda's supermarket proposal. This proposal benefits from a minded to grant subject to section 75 agreement, decision by the Council's relevant committee.

Trustees of the Harbour of Inverness (352)

- Supports Vision reference to better connections to sea and other transport routes but feels that the significant contribution of Inverness Harbour to the economy of the City and the Highlands should be noted in the Plan.

KCC (392)

- Objects to lack of reference to Beauly/Muir of Ord area. Believes concentrating on Inverness and the A96 Corridor will be detrimental to landward communities. Beauly and Muir of Ord should, combined, be a hub for growth especially in terms of a new secondary school and jobs.

M. Gilvray (453)

- Supports the Vision of the area as the 'engine of the economy'. The area has potential for good communications well served by the education, health, retail and leisure facilities that most people seek proximity to.

RF More (479)

- Supports objectives of increasing jobs, people and facilities, focusing development where infrastructure exists and diversifying the economy.

Alexander (488)

- Wants all site-specific policies and mapping deleted from the Plan. This would remove any

priority being given to new (compared to adopted local plan allocations) sites ahead of their land at Blackpark Farm (implied) within the Inner Moray Firth area. These decisions on new sites should be left to the Inner Moray Firth Local Development Plan process. Believes current Plan approach will cause confusion. Believes land at Blackpark Farm (implied) is well placed to be a new site because it: is in a sustainable location; has transport infrastructure with spare capacity unlike other places; offers connection to a sustainable mode of transport which will reduce greenhouse emissions; would bolster a higher order settlement; is close to Inverness, and; could help deliver the Council's aspirational population growth target.

S & A Corbett, A & A Currie, W & K MacKenzie (519)

- Support the Plan as one committed to growth. Believe there is no reason why large scale development of this area cannot be combined with the enhancement of its natural, social and heritage features, nor any reason why anyone who appreciates these special attractions should support developments likely to damage these attractions. A sustained and enhanced quality of life should be the purpose of development, not the price to be paid for it (519).

Modifications sought by those submitting representations:

- Additional statement to include a positive policy presumption for onshore wind farms within this area (1).
- Deletion or reduction of allocations at Croy and Cawdor (assumed) (73).
- Possible deletion/amendment of/to para. 7.2.1 (7th bullet) reference to ports and harbours and Figure 3 marine access notation if these prove to be non HRA compliant (assumed). Addition of improved rail connection notation to Figure 3 Inverness-Aberdeen railway line (118).
- Identification of Tore as a strategic expanded settlement. Reference to park and ride facility at Tore. Reference to expansion potential of Black Isle communities (assumed) (137).
- Designation of Redcastle as a conservation area (144).
- Additional reference(s) to provision for cycleways (assumed) (168, 533).
- Additional reference to dispersing the benefits of the Inverness hub to other larger settlements within the inner Moray Firth and beyond. Also reference to encouraging the organic, economic growth of smaller towns based on their unique identities and opportunities (including tourism and further education) (assumed) (172).
- More separation between residential and industrial property in Invergrordon (assumed) (178).
- Additional references in the Vision text and mapping to the economic potential of all ports and harbours and improved and international air connections (assumed) (180).
- Muir of Ord identified as part of Easter Ross Growth Corridor on Figure 3. Deletion of all site-specific policies and mapping from the Plan. Insertion of Vision objective that development should be located in the most sustainable locations, making best use of existing transport infrastructure. Addition of a specific employment land requirement (183).
- Additional Plan coverage for all major settlements and development sites across the Inner Moray Firth. Addition of Dalcross Railway Station proposal to Vision. Other Inner Moray Firth ports added to Vision. (All assumed) (190).
- All site-specific policies and mapping deleted from the Plan. Deletion of Figure 3 waste facility symbol. Figure 3 proposals to be put on a larger map with more definitive allocations and boundaries. (assumed) (229).
- 2nd Sentence of 7th bullet of para. 7.2.1 is deleted and replaced with "A new education campus accommodating a range of educational institutions including a base for UHI and Inverness College UHI as well as space for commercial spin-off companies and a regional sports facility, will have expanded educational opportunities and generated employment, helping stem the loss of young people from the region" (240).
- Equivalent policy coverage in terms of phasing and allocations as those in Inverness and the A96 Corridor for all service centres including Tain within the Inner Moray Firth area. This Tain coverage to include the expansion area south and east of Tain which is allocated in the adopted local plan and incorporates Asda's supermarket proposal. Also a reference that the supermarket proposal benefits from a minded to grant subject to section 75 agreement, decision by the Council's relevant committee (242).
- An additional Vision reference to the significant contribution of Inverness Harbour to the

economy of the City and the Highlands (352).

- More reference to Beauly/Muir of Ord area. In particular, Beauly and Muir of Ord should, combined, be a hub for growth especially in terms of a new secondary school and jobs (392).
- Deletion of all site-specific policies and mapping from the Plan. Insertion in 5th bullet point of para. 7.2.1. of Vision objective that development should be located in the most sustainable locations, making best use of existing transport infrastructure. Addition of a specific employment land requirement (488).

Summary of responses (including reasons) by planning authority:

Coriolis (1)

- The requested positive policy presumption for a particular development proposal is not an appropriate type of addition to a section of the Plan that deals with visionary themes. The Issue 68: Renewable Energy Developments schedule considers the issue in more detail.

Mary Harrison (73)

- The A96 improvement including its connection to the A9 and the Nairn by-pass is included within the [Scottish Government's Strategic Transport Projects Review](#) investment programme (pages 108-109, 116-118). This document was published in November 2009 and covers the period to 2029. The specifics of local Croy road impacts and developer required mitigation are covered in the Issue 20: Croy Expansion schedule.

SNH (118)

- Proposals at Ardersier and Nigg have already been subject to considerable environmental assessment work including appropriate assessment specific to the adjoining Natura interests. SNH have been closely involved in the work. However, the Council will re-test the current allocations through the Plan's HRA process.
- Journey time improvements to the Inverness-Aberdeen railway line are listed within the [Scottish Government's Strategic Transport Projects Review](#) investment programme (pages 110-111) and therefore an additional notation would be appropriate on Figure 3 (see commended change below).

CP (137)

- It is accepted that the Council's 2006 [Inner Moray Firth Ports and Sites Strategy](#) (para. 50), highlights the potential for significant development at Tore. However, this was only as one of a list of possible long term candidate locations requiring further feasibility assessment. The document indicated that the A96 Corridor was the primary location for growth. The document is non statutory guidance.
- The suggested expansion area falls outwith the [adopted local plan](#) village boundary for Tore (Tore Inset Map). The [Reporter's Report](#) from this plan concluded (pages 390-391) that the land wasn't suitable for large expansion because of the lack of a justified housing requirement and infrastructure capacity. These circumstances have only changed since in a way that counts against Tore. Many of the A96 Corridor allocations have been progressed (with planning applications and firm housebuilder interest) and the housing market has declined.
- The landowners' willingness to discuss Park and Ride facility provision is welcomed. There is a current proposal on land at Balnakyle but this has faltered due to the lack of a public funding commitment. There is no funding within the Council's and Transport Scotland's capital programmes for such a scheme. In any event, the proposal's principal function is temporary whilst Kessock Bridge improvement works are undertaken. There may be an element of permanent provision retained but this has no certainty at present. Any permanent scheme, to be effective, would also be likely to necessitate improvements to the local road network and a bus lane on the A9. Accordingly, this key method of mitigating the impact of increased car commuting across the Kessock Bridge pinchpoint is, at best, uncertain. The Plan contains references to park and ride facilities where they are connected to specific allocations. Other such facilities are best referenced through the Council's Local Transport Strategy.
- It is accepted that the suggested expansion area comprises relatively poorer agricultural land than many of the Plan's allocations in the A96 Corridor. However, [Scottish Planning Policy](#) (para. 97, page 20) allows development on prime farm land if it is an essential component of the

settlement strategy. The [National Planning Framework for Scotland 2](#) (para. 214, page 85) sets out the national endorsement of the Council's A96 Corridor strategy.

- It is accepted that Tore has some community facilities but these are not of a number and type that justify a higher role in the existing settlement hierarchy (as set out on the Plan's Proposals Map). The Council's view is that the Local Centres of Mid and Easter Ross with their greater range of facilities, jobs, larger existing settlement sizes and plentiful supply of allocated housing land offer a better, more sustainable option for expansion than Tore. Future off-shore related employment is likely to be created at Nigg and Invergordon which again points to locations in Easter Ross not on the Black Isle for supporting housing.
- Tore's location at the confluence of A and trunk roads offers accessibility to those networks but these also sever active travel within the community and create the need for set-backs for amenity, junction improvement and possible future widening reasons. It is understood that the representor could offer a pedestrian overbridge of the A9 or a relocated primary school to offset these concerns but these would be expensive measures to implement and together with the need for unprogrammed, settlement-wide mains sewerage provision cast doubt on the overall feasibility of an expanded settlement at Tore.
- Tore was identified as one of a range of alternative expansion settlements in the Council's [Main Issues Report](#) (pages 13 and 14) but not as the preferred option of the Council.
- The Council would accept that Tore is less constrained when judged against a range of planning considerations than many other alternatives on the Black Isle. It may therefore, merit land allocations when the Council considers the optimum locations for smaller scale housing sites when it progresses its area local development plan for the Inner Moray Firth.

KCC (144)

- The request may have merit but would better be considered during the review of the area local development plan (the Inner Moray Firth Local Development Plan) as it has no strategic significance.

HIGP (168, 533)

- Sufficient policy coverage is offered elsewhere in the Plan (in general policy 57 Travel, in area local plans and in the Council's active travel plans. See Issue 57: Travel schedule.

Mrs Annie Stewart (172)

- The Vision already includes several references to the dispersal of growth, facilities and opportunities to wider Highland. Without a successful city region with the critical mass to attract a virtuous circle of people and investment then the organic growth of outlying settlements may never happen. In particular, Highland is competing with other areas elsewhere in Scotland, the UK and the rest of Europe to attract investment and people. Much of this investment and many of these people want to move to an attractive yet still accessible location. Inverness and its hinterland offers this. The remoter parts of Highland do not. To be competitive, Highland must offer development land in attractive and accessible locations. The Council agrees with the concept of Highland's east coast market towns emphasising their unique identity as a means of economic growth and the Council's suite of policy documents supports this.

Carl Beck (178)

- The separation issue is a matter for the Inner Moray Firth (area) Local Development Plan and its allocations. The issue of harbour authority permitted development rights is outwith the scope of the local development plan.

SCDI (180)

- The Vision maps pick out particular major new or known expansion opportunities. The Plan does not preclude other options such as Inverness and Invergordon harbours but these are existing, well utilised facilities which would not see significant land use change even if they accommodated more off-shore industry related activity. The Plan's purpose is to focus on areas of change. The airport has an approved expansion masterplan and benefits from several [adopted local plan](#) allocations (page 54 of Written Statement) which would provide sufficient policy support. If the Reporter feels an amendment is necessary then inserting the word "international" before "air connection" in the legend of Figure 3 may be appropriate.

BTF (183)

- The particular proposal at Muir of Ord may have merit and the Council would be happy to consider its validity through the Inner Moray Firth Local Development Plan process, which commenced at the end of January 2011 with a “Call for Sites”. The growth corridor notation on Figure 3 is intended to pick up all major settlements within Mid and Easter Ross where there are surplus, extant adopted local plan allocations that could accommodate housing pressures generated by any surge in the off shore industry sector. Muir of Ord is on the periphery of where this pressure may extend to. For example, if Nigg suddenly has a growth in jobs requiring houses then the closest, largest settlements such as Tain, Alness and Invergordon would be the most appropriate places to accommodate this pressure in order to minimise travel. If the Reporter feels an extension to the growth area is required then the Council would suggest this include both Muir of Ord and Beaulieu both of which benefit from a rail connection and surplus allocated land.
- The Council recognises that the Plan is an unusual hybrid of strategic and site-specific policies but this will be a one off process and is aimed at streamlining planning policy within Highland by having one set of general policies but at the same time providing site-specific updates for those areas of high development pressure and/or where the adopted local plan is very dated. Muir of Ord doesn't fall into either of these categories. It has sufficient housing land allocated in a recently [adopted local plan](#).
- The Council doesn't produce specific employment land requirements because of the unreliability of such targets. In the past, requirements were generated from a projection of the economically active future population. The number of existing jobs was then subtracted from this population to derive a jobs gap figure and this figure was turned into a land requirement using average employment densities. The number of variables, the sensitivity of assumptions, and the lack of good data, all count against the accuracy of the final requirements. Accordingly, the Council no longer produces such figures. Instead, the aim is to provide the market with a range of site sizes, types and locations. Specific allocations are made where need and demand is known and a more flexible approach is taken where these are uncertain.

HIE (190)

- See SCDI (180) BTF (183) responses above. The Plan focuses on where planning policy change is needed. The adopted local plan contains adequate and detailed policy coverage for the rest of the Inner Moray Firth area including a plentiful employment land supply in Easter Ross. The suggested Dalcross Rail Station addition would fit with the proposal in the [Strategic Transport Projects Review](#) (page 80) and the Council would agree to such a reference should the Reporter see fit to recommend it.

BE (229)

- Support for rail service improvements noted. See BTF (183) response above regarding the explanation of Plan content. The Council would be happy to consider any new development proposals through the Inner Moray Firth Local Development Plan process. The Figure 3 waste facility symbol represents the planning permission at Invergordon for an energy from waste facility. This permission is subject to review through various legal processes. If the outcome of these processes is known before the Reporter makes his/her recommendations on this issue then the Council would accept that outcome as being the basis on which the notation is changed, deleted or retained.
- The Vision maps are meant to be indicative. Similar to the National Planning Framework mapping they are not intended to have definitive boundaries. The local development plan allocations (or in this case, the planning permission) provide this detail.

TC (240)

- The suggested amendment would be appropriate (see commended change below).

Asda (242)

- See BTF (183) response above regarding the explanation of Plan content. The Plan does not supersede the provisions of the adopted [Ross and Cromarty East Local Plan](#) that are specific to Tain. Therefore the expansion area referred to will continue to benefit from the adopted local plan allocation(s). The review of this local detail will take place through the Inner Moray Firth

Local Development Plan process. This process commenced with a Call for Sites at the end of January 2011.

IHT (352)

- Support welcomed. The Vision already refers to better connections to sea and other transport routes and the Council believes such a reference is adequate.

KCC (392)

- See BTF (183) and Asda (242) responses above regarding the explanation of Plan content, carrying forward of adopted local plan provisions and new area local development plan process. The [Inverness Local Plan](#) already contains a reference (Policy 7:13, page 60) to possible education use of a large central site at Beauly.

M. Gilvray (453)

- Support welcomed.

RF More (479)

- Support welcomed.

Alexander (488)

- See BTF (183) response above regarding the explanation of Plan content, carrying forward of adopted local plan provisions, new area local development plan process and employment land requirements.

S & A Corbett, A & A Currie, W & K MacKenzie (519)

- Support welcomed.

Any further plan changes commended by the planning authority:

- Add “improved rail connection” notation to Inverness-Aberdeen railway line on Figure 3.
- 2nd Sentence of 7th bullet of para. 7.2.1 is deleted and replaced with “A new education campus accommodating a range of educational institutions including a base for UHI and Inverness College UHI as well as space for commercial spin-off companies and a regional sports facility, will have expanded educational opportunities and generated employment, helping stem the loss of young people from the region”.

Reporter’s conclusions:

Development pattern

1. Representation 172 says that growth and development in the Inner Moray Firth needs to be balanced with growth and development throughout the rest of the Highlands. Inverness must develop, but not to the detriment of surrounding areas. Representation 392 contends that focus on the Inverness-Nairn area will be to the detriment of landward communities. Representation 190 refers to lack of reference to settlements apart from Inverness and the A96 corridor: areas such as East Ross should have equal prominence. Representation 242 makes a similar point, with specific reference to Tain. Representation 392 says that there is a lack of emphasis on the Beauly-Muir of Ord area.

2. In its response, the Council refers to a successful city-region having beneficial effect on outlying settlements. Outwith the Inverness-Nairn corridor, existing local plan allocations will continue in force. The plan is focusing on where change in planning policy is needed.

3. I note that, in the proposed *Highland-wide Local Development Plan*, new allocations of land for development are largely within the Inverness to Nairn corridor. Growth in this corridor is identified in the *National Planning Framework for Scotland 2* (page 86, paragraph 214). A purpose of the proposed plan is to bring proposals for the corridor into the statutory development plan. At the same time, it is the intention of the Council that existing allocations of land for development in other

parts of the Inner Moray Firth area will remain.

4. I note that the Inner Moray Firth Vision makes reference to the Easter Ross Corridor and to service centres including Dingwall and Tain. Nigg is mentioned in relation to economic development.

5. I find that concentration of development in a particular area, to take advantage of its positive attributes and of the opportunities that it offers, may reduce rates of development that might otherwise have been achieved elsewhere, but is also likely to result in a greater amount of development for the region as a whole, to the benefit of the region as a whole.

6. My conclusion is that the emphasis on Inverness and the corridor to Nairn is not inappropriate and that, in response to the foregoing representations, the proposed plan need not be altered.

7. Representation 172 says that, instead of blanket development or urban sprawl, individual communities should be enhanced. I note that proposed policies, in particular Policy 30: *Design Quality and Place-making*, set standards for new development. With these policies in force, new development should enhance its local community, and I conclude that the plan need not be altered in response to the representation.

Omission – Tain

8. Representation 242 objects to lack of reference to the expansion area to the south and south-east of Tain and lack of reference to retail development in this expansion area. In response, the Council says that provisions of the present adopted local plan specific to Tain will not be superseded by the *Highland-wide Local Development Plan*. In view of the Council's explanation of its intention, I conclude that the plan need not be altered.

Omission – Tore

9. Representation 137 objects to omission of expansion of Tore. Expansion has been supported by the Council. Tore's facilities include a school, public hall, shop and light industry. Land for expansion is not of prime agricultural quality. Connection to the public foul drainage system may be feasible for development of sufficient size. There is no rail connection, but such lack is not preventing allocations elsewhere. There are bus services. Fragmented ownership would not inhibit an efficient layout. A footbridge over the A9 could be provided. More land could be identified for additional local employment. Tore would complement, not compete with, other communities. Any commuting from Tore would not necessarily all be to Inverness. Development at Tore would help balance growth in the A96 corridor.

10. In its response, the Council says Tore was one in a list of possible locations for development. It accepts that the proposed development would be on land that is of relatively poorer agricultural value. Tore does have some community facilities, but other local centres, with their greater range of facilities, offer better and more sustainable options for expansion. Confluence of trunk and A roads offers accessibility but also severs the community.

11. From an inspection of the locality, I find that Tore is dominated by the five A roads that converge on the roundabout. Two of these are part of the A9. They and a third road, the A835 to Ullapool, are primary routes. Some development, including the primary school, community centre and housing, is to the west of the A9. Other development, including a garage and more housing, is to the east of the A9. The *Ross and Cromarty East Local Plan* (February 2007) allocates land for new housing at Tore. Most of this land is in three sites, referenced 3, 4 and 5. These sites have yet to be developed.

12. *Scottish Planning Policy*, under the heading *Location and Design of New Development*, says that "the aim should be to create places with a distinct character and identity, promoting a well-integrated mix of land uses...." (paragraph 78). It goes on to refer to *Designing Places*. The latter document, on page 9, says that one of the qualities of successful places is that "they are easy to move around, especially on foot."

13. My conclusion is that the A roads severely constrain opportunities to develop at Tore an enlarged community that would be well-integrated and easy to move around. A footbridge over the A9 might provide an acceptably safe crossing for pedestrians at a single point, but is unlikely to be convenient for all desired lines of movement between the two sides of the A9. In the proposed *Highland-wide Local Development Plan*, Figure 3 shows a growth corridor north of Inverness, from Dingwall to Tain. Opportunities for development in or beside communities in this corridor would be superior to expansion at Tore. In response to the representation, the proposed plan should not be altered.

Omission – Muir of Ord

14. Representation 183 says that the growth corridor north of Inverness should be extended to include Muir of Ord. Muir of Ord is accessible by road and rail and is a sustainable location. On the Proposals Map, it is identified as a local centre.

15. In response, the Council says the representation may have merit and could be considered in relation to the local development plan that is to be prepared for the Inner Moray Firth. The growth corridor on Figure 3 is based on major settlements with land that is allocated for development but not yet developed. Muir of Ord is on the periphery of the area in which there might be demand for housing arising from a surge in the off-shore industry sector. It has sufficient housing land in a recently-adopted local plan. There are similarities between Muir of Ord and Beaully. If Muir of Ord were to be included in the growth area, Beaully should be included too.

16. I note that Muir of Ord is within the *Ross and Cromarty East Local Plan*, adopted in 2007. On page 94 of the Written Statement, there is a list ten sites for housing development in Muir of Ord. These sites have capacity for about 180 dwellings. In addition, there are five sites for expansion, with a capacity of around 200 dwellings. On the basis that the Council intends to keep in force these allocations, I find that the development plan would continue to make adequate provision for new development at Muir of Ord.

17. The evidence before me does not demonstrate that, in the growth area as shown in the proposed plan, there is likely to be a demand for housing that cannot be met without additional expansion at Muir of Ord. Nor does it demonstrate that necessary infrastructure exists or can be provided to permit additional development at Muir of Ord – and at Beaully, if logic points to it being included in any southwards extension of the growth area.

18. From these findings, I conclude that the proposed plan need not be altered in response to the representation.

Omission – Invergordon

19. Representation 178 seeks separation between residential and industrial development at Invergordon. The Council says that this is a matter for the forthcoming area local development plan. I find that this is not a matter affecting the broader planning strategy for the inner Moray Firth area. For this reason, I conclude that it need not be mentioned in section 7 of the proposed plan. Power of control over development is not an issue for the plan.

Omission – Redcastle

20. Representation 144 refers to a request for designation of Redcastle and surroundings as a conservation area. The representation does not appear to seek any alteration to section 7 of the proposed plan. I find that the desired designation is not of strategic significance in relation to the inner Moray Firth area as a whole. My conclusion is that it need not be mentioned in section 7.

Travel – strategy

21. Representation 172 says that the plan must offer better links between the “hub” and the rest of the Highlands. I note that the representation does not specify deficiencies in these links and how any such deficiencies might be overcome. I also note that the plan, in paragraph 20.31.2, says:

Given the rural nature of much of the Highlands, significant use of the private car can be expected to continue for many trips, particularly in the more remote and sparsely

populated areas or where the population is highly dispersed.....

22. I find that this is a realistic approach. My conclusion is that the plan need not be altered.

Travel - sustainability

23. A number of representations refer to travel. The fifth bullet point in paragraph 7.2 of the proposed plan envisages more efficient forms of travel, referring to road improvements, use of the green network so that more people walk and cycle, more use of public transport and, for freight, better links with water, rail and air transport.

24. Representations 183, 229 and 488 refer to sustainability in relation to transport. Bullet point five should refer to development being in the most sustainable locations, making best use of transport infrastructure. This is supported by *Scottish Planning Policy*.

25. I find that bullet point five addresses means of travel rather than location of development. The latter is addressed in the first bullet point, which envisages growth in the A96 and Easter Ross corridors. In addition, bullet point four suggests that development will be linked to the green network for movement on foot and by cycle. I find that the growth corridors, with their main roads, bus and rail services, and potential for green networks, offer opportunity for development that is well-related to transport infrastructure. My conclusion is that section 7 of the proposed plan need not be altered.

Travel – cycling

26. Representation 168 says that provision for cycleways should be included in the spatial strategy. There is a similar point in representation 533. The Council’s response is that policy coverage elsewhere in the plan is sufficient.

27. I note that cycling is included in paragraph 7.2. Bullet point four refers to better access to a network of paths for walking and cycling. Bullet point five refers to an increase in numbers of people cycling as a result of the green network. My conclusion is that there is adequate reference to cycling in this part of the plan.

Travel - rail

28. Representations 118 and 190 refer to rail travel. Figure 3 fails to show “improved rail connection” on the Inverness-Aberdeen line. The proposed Dalcross railway station should be mentioned.

29. The Council commends alteration of Figure 3 to apply the “improved rail connection” notation to the Inverness-Aberdeen line. The Council agrees that the plan might refer to the proposed Dalcross railway station.

30. I find that improvement of rail services on the Aberdeen line and the proposed Dalcross railway station are important components of infrastructure required for realisation of the A96 corridor concept. My conclusions are that Figure 3 should be altered as agreed by the Council and that the proposed Dalcross railway station should be mentioned in the fifth bullet point.

Travel - air

31. Representation 180 says that a key priority is re-establishing a direct link between Inverness Airport and an international hub. The spatial strategy should refer to “improved *and international* air connections.” In response, the Council says that there is an approved expansion masterplan for the airport. The airport also benefits from allocations in the adopted local plan (Written Statement, page 54). If amendment to the proposed plan is necessary, it might be appropriate to insert “international” in the legend for Figure 3.

32. I note that it is not disputed that a link to an international hub is a key priority. On this basis, my conclusion is that Figure 3 should be amended as sought in the representation.

Travel – park-and-ride

33. Representation 137 says that the Inner Moray Firth Spatial Strategy omits previous reference to accommodating park-and-ride facilities at Tore. This is an issue that needs to be addressed to

deal with current commuting patterns regardless of future growth. In response, the Council says that a temporary park-and-ride facility was proposed for the duration of works on Kessock Bridge. A permanent scheme would probably require local road improvements and a bus lane on A9. Public funding is not available.

34. I find that it is doubtful whether a park-and-ride facility will be provided at Tore and that evidence does not demonstrate that such a facility is essential to achievement of the vision set out in paragraph 7.2. My conclusion is that the plan need not be altered.

Travel – trunk road improvements

35. Representation 73 poses the question: from where will the money come to upgrade the A96 and the A9 and to construct the Nairn by-pass? In response, the Council refers to Transport Scotland's *Strategic Transport Projects Review Final Report* of October 2009.

36. I note that the *Final Review* gives consideration to the A9 and the A96. In Annex A, section 16 on page 100 refers to upgrading the A9. Section 18 on pages 108 and 109 and section 22 on page 116 give consideration to a by-pass for Nairn. I find that priority for these projects is recognised at national level. This does not guarantee allocation of funding for them, but does suggest that aspirations in the proposed *Highland-wide Local Development Plan* are not unrealistic. My conclusion is that the plan need not be altered.

Education

37. Representation 172 would like to see branches of the University of the Highlands and Islands in the larger towns, instead of the concentration on Inverness. I note that there is reference to the university in the seventh bullet point in paragraph 7.2. The way in which the university seeks to meet educational needs in Highland is more a matter for the university than for the planning authority. So far as I am aware, the university has not expressed dissatisfaction with the plan's strategy in relation to its own intentions over the next twenty years. From these considerations, I conclude that the plan need not be altered.

38. Representation 240 says that the seventh bullet point in paragraph 7.2 should include additional text to describe more fully the range of facilities envisaged for the Inverness campus. The Council agrees that this would be appropriate. I find that the campus is of strategic importance for the Inner Moray Firth and that this is not fully apparent from paragraph 7.2 as it stands. My conclusion is that paragraph 7.2 should be altered along the lines suggested.

Tourism

39. Representation 172 says that there is no indication of the location of the all-weather tourism facilities mentioned in the plan. There should be much greater planned provision for enhanced tourism facilities. I note that the seventh bullet point in paragraph 7.2 includes reference to more all-weather tourism facilities. In addition, paragraph 20.7.3 of the plan speaks of enabling growth in high-quality tourism development. It seems to me that the increased facilities envisaged in paragraph 7.2 are most likely to be the result of private-sector development at locations as yet unidentified. My conclusion is that it is not possible for paragraph 7.2 of the plan to set out locations at which tourism development will have taken place. The references to tourism development are sufficient, and the plan need not be altered.

Wind farm development

40. Representation 1 says that the Inner Moray Firth area is capable of supporting further on-shore wind farm development. Good access and grid connections mean wind farms are more likely to be built here than in other, sensitive parts of the Highlands. Wind farms would contribute to the economy and to employment. The spatial strategy for the Inner Moray Firth should recognise that, in principle, the area can accommodate further on-shore wind farm development. This should be supported by supplementary guidance.

41. In response, the Council says that a presumption in favour of a particular kind of development is not appropriate in a section of the plan that is dealing with visionary themes. Wind farm development is considered in more detail under issue 68: *Renewable Energy Developments*.

42. I note that paragraph 7.2 includes two brief references to matters relevant to wind farm development. In the sixth bullet point, electricity grid networks are mentioned. In the seventh paragraph, renewables-related development is mentioned. From the terms of the Council's response, I find that there is no consensus to the effect that the Inner Moray Firth area is presently seen as being suited to wind farm development on a scale that would be significant in terms of the spatial strategy for the area. From this, I conclude that it is not necessary for section 7 of the proposed plan to include specific reference to wind farm development.

Bases for renewables development

43. Representation 180 says that the plan identifies a range of renewables bases. Ardersier, Invergordon and Inverness ports and harbours are mentioned, but not shown on the map. There is significant potential at sites such as Invergordon and Inverness in sectors including oil and gas renewables. Both ports are important transport hubs. These opportunities and roles should be better highlighted. Reference is made to the *National Renewables Infrastructure Plan* (February 2010) which includes Nigg and Ardersier in the first phase sites list.

44. Representation 190 says that renewable energy is key to development of the Inner Moray Firth. As well as Nigg and Ardersier, the area has other key sites – Highland Deephaven, Invergordon Harbour and Inverness Harbour. These form a major cluster. The proposed plan should give consideration to them.

45. In its response, the Council says that the vision maps pick out major new or known expansion opportunities. Other options are not precluded. Inverness and Invergordon harbours are already well-used. Increased use would not see significant land-use change. The plan focuses on change.

46. I note that the seventh bullet point in paragraph 7.2 says:

Nigg and possibly Ardersier will service increased activity off shore. Other ports and harbours, including Inverness and Invergordon will have supported the growth of.....renewables related economic development.

Figure 3 has a symbol for "Off shore renewable base" in the vicinity of Nigg.

47. I find nothing to suggest that renewables development would be facilitated by giving it more emphasis in paragraph 7.2 of the proposed plan. My conclusions are that this part of the plan makes adequate reference to possible changes arising from renewables development and that the plan need not be altered.

Facilities for waste

48. Representation 229 objects to use of the "recycling" symbol on Figure 3. This is misleading because recycling may not be what is proposed. Objection is also raised against use of the symbol in the vicinity of Invergordon on Figure 3. If a waste incinerator is envisaged, this would be detrimental to the role of the town as a tourist and cruise destination.

49. In its original response, the Council says that the symbol represents planning permission for an energy-from-waste facility at Invergordon. In a letter dated 29 September 2011, the Council accepts that it would now be appropriate to delete the waste facility symbol at Invergordon on Figure 3 because there is no longer an extant planning permission nor is there a development plan allocation specifically for waste management facilities in place at this location.

50. I find that there is at present uncertainty with regard to provision of a waste facility at Invergordon. I conclude that the related symbol on Figure 3 should be deleted. This would leave Inverness as the sole location identified by the recycling symbol on Figure 3. Inverness is one of four locations identified in Policy 71 for waste management facilities. I find the context suggests that recycling will be a major feature of these facilities. From this, I conclude that there is no need to avoid use of the recycling logo for the waste facility symbol on Figure 3.

Habitat Regulations Assessment

51. Representation 118, from Scottish Natural Heritage, says that the increased port activity envisaged in paragraph 7.2 and shown on Figure 3 must be assessed as part of the Habitat Regulations Assessment for the proposed plan. On 20 September 2011, the reporters received from the Council its *Habitats Regulations Appraisal of the Proposed Highland-wide Local Development Plan Version 1.0 (September 2011)*. The *Appraisal* includes the following.

Table 6. Elements of the Vision to which straightforward mitigation measures were applied and were then screened out:

	Proposed Mitigation	Reasoning
Introduction & Context	<p>Insert new paragraphs:</p> <p>3.8.3 The following sections outline the Highland Council’s Vision for the Highland area as a whole and for the three areas which will be the subject of future Local Development Plans. These Visions are not policies <i>per se</i>; rather they are an expression of what the Highland area could be like in 2030. Where reference has been made to individual projects, these are either dealt with in more detail within the body of this plan, or will be considered within the forthcoming Local Development Plan for the relevant area. In all cases, these projects will be subject to the necessary assessments, including Habitats Regulations Appraisals where appropriate.</p> <p>3.8.4 Planning applications will be assessed against all the policies and legislation relevant to the particular proposal and location. Conformity with a single policy does not necessarily indicate that a proposed development would be acceptable.</p>	<p>New paragraph has been placed in section preceding Section 4 to clarify that the following ‘Visions’ are not policies <i>per se</i>, and that any projects or proposals identified within the Visions will either be considered with respect to HRA within the body of this Plan, or identified and dealt with by the forthcoming LDPs for the relevant area.</p> <p>Paragraph 3.8.4 clarifies that conformance with one policy does not necessarily indicate conformance with the Development Plan, to ensure that protective policies such as Policy 58 are properly taken cognisance of.</p>
Inner Moray Firth Vision	Amend wording on Figure 3 to read “Inner Moray Firth Vision” on map and text below.	New wording reflects that the map is part of the Vision and in combination with new paragraph 3.8.3 provides additional safeguarding

52. In a letter dated 3 October 2011, Scottish Natural Heritage withdrew its representation regarding paragraph 7.2 with the comment:

Proposed new para 3.8.3 clarifies the status of this statement.

In the same letter, the objection regarding Figure 3 was withdrawn on the basis that the heading on Figure 3 is to be amended from ‘Spatial Strategy’ to ‘Vision’, and with reference to the proposed new paragraph 3.8.3. The letter also says:

We are currently aware of three changes in circumstance that have implications for the Habitats Regulations Appraisal of the plan, i.e. which have taken place since the current HRA Record was completed.....

3. Suggested headings for Figures 1, 2 and 3 as “Vision and Spatial Strategy” rather than “Vision” arising from Hearing on 27 September 2011. These latest positions do not accord with the mitigation agreed in the HRA record, and so they require to be subjected to further HRA consideration. Schedule 2 sets out suggested mitigation to take account of these very recent proposed plan amendments as part of the continuing HRA.

Schedule 2 includes:

	Original Representation	Mitigation based on pre-examination situation and on submitted HRA record	Requested mitigation based on possible post-examination situation and on further HRA work
Figure 3 Spatial Strategy	<i>‘Improved marine access’</i> is shown into the Cromarty Firth – this should be assessed as part of the HRA for the plan and we await the outcome of the HRA	Heading of map to be amended from ‘Spatial Strategy’ to ‘Vision’, for which see also new para 3.8.3	If the heading of the map is to be ‘Vision and Spatial Strategy’ we request as HRA mitigation that proposed para 3.8.4 is amended to – ‘Planning applications will be assessed against all the policies and legislation relevant to the particular proposal and location. Conformity with a single policy or element of the Vision and Spatial Strategy does not necessarily indicate that a proposed development would be acceptable’.

53. I find that altering the heading on Figure 3 to “Vision and Spatial Strategy” is consistent with the title as written below the figure and as contained in the contents. My conclusion is that the heading should be altered accordingly. Adding to the proposed plan the new paragraphs 3.8.3 and 3.8.4 (the latter adjusted in accordance with the schedule 2 extract quoted above) is recommended under issue 82, and so is not repeated here.

Site-specific land allocations

54. Representations 183, 229 and 488 object to inclusion in the proposed plan of site-specific land allocations. This does not provide the clarity anticipated by the Government when it recently changed the system. Site-specific allocations should be dealt with in the Inner Moray Firth local development plan. Inclusion of sites at this stage could cause problems when amalgamating the Inner Moray Firth plan with the *Highland-wide Local Development Plan*. Existing land allocations in the A96 corridor area and elsewhere should be allowed to come forward before any further land allocations are made. This would be consistent with *The Council’s Development Plan Scheme* published in the summer of 2010. Pursuant to this, the representations object to chapters 9 to 17 of the proposed plan.

55. In response, the Council says that the proposed plan is an unusual hybrid of strategic and site-specific policies but this will be a one-off process. It is aimed at streamlining planning policy within Highland by having one set of general policies. At the same time it provides site-specific updates for areas where there is high development pressure and where the adopted local plan is very dated.

56. I note that each specific site allocation is illustrated by a map. In the representations, there is no suggestion that these maps lack necessary precision. I also note that the plan contains supporting text and policies for each site. The representations do not suggest that this written material is inadequate. I find that the representations do not demonstrate that the site-specific elements of the proposed plan, in themselves, are insufficiently clear.

57. The fundamental concern in the representations appears to be the principle of having, in a single plan, site-specific elements alongside more general matters such as the vision and policies of Highland-wide application. I find that these two components can be distinguished reasonably easily and that their presence in the one document should not be a cause of confusion.

58. A more likely source of difficulty for future users of the proposed plan is its relationship with existing adopted local plans. This relationship was not clear to the reporters. So that we could understand the proposed plan and give proper consideration to all the representations, we found it necessary to seek further information from the Council. The Council's reply took the form of a document entitled *Superseded Elements of Old Local Plans*. This shows those parts of existing adopted local plans that the Council is minded to retain. Recommendations on this matter are included in Issue 85.

59. My conclusion is that the proposed plan need not be modified in response to the representations. A similar concern is given consideration under issue 88: Inclusion of New Sites.

Figure 3 – scale

60. Representation 229 objects to the map scale used for Figure 3. The map is too small to tell where features are, and there is no explanation in the text. In response, the Council says that the vision maps are meant to be indicative. They are not intended to have definitive boundaries. Detail is found in relation to the plan's allocations.

61. I find that the symbols and other notations depicted on Figure 3 are crowded. The size of individual symbols is somewhat small, and deciphering them could be difficult for some users of the plan. I note that the west-to-east extent of the Inner Moray Firth area is roughly two-thirds the width of the map. This suggests to me that there should be no technical difficulty in increasing the scale of the map by about one-third. At the same time, the size of the symbols could be increased. The map should be altered accordingly.

62. Regarding lack of explanation in the text, it is good practice for text to make clear the significance of all illustrative material. At the very least, Figure 3 should be mentioned in section 7 of the plan. This could be done by adding a sentence to paragraph 7.1.

Reporter's recommendations:

I recommend the following modifications:

1. At the end of paragraph 7.1, add the following:

This vision is illustrated by Figure 3.

2. In paragraph 7.2, at the end of the fifth bullet point, add a new sentence:

As part of these improvements, a new railway station will have been provided at Dalcross.

3. In paragraph 7.2, in the seventh bullet point, delete the second sentence ("A new university.....young people.") and put instead:

A new education campus accommodating a range of educational institutions, including a base for the University of the Highlands and Islands and Inverness College UHI, space for commercial spin-off companies and a regional sports facility, will have expanded educational opportunities and generated employment, helping stem the loss of young people from the region.

4. On Figure 3, the title on the map should read "Vision and Spatial Strategy Inner Moray Firth".

5. On Figure 3, apply the "improved rail connection" notation to the Aberdeen railway line.

6. On Figure 3, in the legend, delete “Improved air connection” and put instead:
Improved and international air connection
7. On Figure 3, delete the waste facility symbol from the vicinity of Invergordon.
8. On figure 3:
 - (a) the scale of the mapping should be enlarged by about one-third, so that the Inner Moray Firth area extends across the full width of the map; and
 - (b) the size of the symbols should be enlarged.

Issue 85	Spatial Strategy - General	
Development plan reference:	Chapter 8 - Spatial Strategy - General (Pages 20 - 21)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Graham + Sibbald for Dereck Mackenzie (35) Halliday Fraser Munro for Tulloch Homes (57) Halliday Fraser Munro for Fairways Leisure Group (69) James Barr for MacDonald Estates plc (98) Nairn West Community Council (101) Julian Walford (155) Highlands and Islands Green Party (HIGP) (168, 533) Valerie Springett (179) Fortrose and Rosemarkie Community Council (203) Croy Community Council (218) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Muir Smith Evans for Inverness Estates Limited (249) Turley Associates for Sainsbury's Supermarkets Ltd (267) Scottish Wildlife Trust (285) Inverlochry & Torlundy Community Council (318) Scottish Environment Protection Agency (SEPA) (326) Mrs M McAlister (378) Moray Council (403) Boyd Brothers Haulage (438) Scottish Association for Public Transport (446) M Gilvray (453) Strutt & Parker LLP for I & DJ Alexander (Alexander) (488) Bracewell Stirling for Aviemore and Inverness Properties Ltd (501)</p>		
Provision of the development plan to which the issue relates:	Spatial Strategy – General Comments	
Planning authority's summary of the representation(s):		
<p><u>SEPA (326)</u></p> <ul style="list-style-type: none"> Section 8 Spatial Strategy appears to be an introduction to the spatial strategy and relates to the whole document and we therefore suggest it should come before sections 5, 6 and 7. This is not an objection. <p><u>Halliday Fraser Munro Planning for Tulloch Homes (57)</u></p> <ul style="list-style-type: none"> The spatial strategy to support growth in areas with existing infrastructure capacity is supported in the main; we do not accept however that all the land identified or proposed in the Plan for the short to medium term is deliverable. We conclude that additional land will be brought forward in the period to 2016 to make up shortfall. Delivery of existing allocations in a phased manner will allow infrastructure constraints to be overcome. Difficulty in raising finance along with onerous infrastructure costs should encourage a more pragmatic programme of delivery. The Council's policy to promote high migration to inform housing land requirement is applauded. <p><u>Scottish Wildlife Trust (285)</u></p> <ul style="list-style-type: none"> The Spatial Strategy figure (Figure 3) should give an indication of the green network. 		

Graham + Sibbald for Dereck Mackenzie (35)

- Para 9.3 (CtC) suggests that all housing land has been identified, at odds with the Councils intention to seek “developer bids” for sites. It is not the role for the HwLDP to make specific site allocations, this should be role of Inner Moray Firth Plan.

Halliday Fraser Munro (69)

- Wish to promote mixed use development at Fairways to assist in the provision of an effective deliverable housing land supply as defined in the Consolidating the City element of the plan.

James Barr for MacDonald Estates PLC (98)

- The Council should recognise that there are alternative effective sites in East Inverness such as Balloch Farm. It is acknowledged that the land has potential to provide for future growth and expansion in the longer term however it should be identified and supported through the HwLDP as an effective housing release site with cumulative benefits to the local communities of Balloch and Culloden. Is a viable development opportunity which could be progressed within the lifetime of the emerging local development plan, which does not have the constraints that other sites have in East Inverness.
- The principles and policies of the Highland wide Local Development Plan should ultimately be progressed through the proposed area local development plans where site specific allocations and appropriate development policies will be provided.
- Supports the efforts of the council to accommodate the increase in the population of the Highlands but HwLDP needs ensure that sufficient land is allocated, especially where is adjacent to existing settlements.

Nairn West Community Council (101)

- Over-reliance on public sector jobs which is unsustainable.
- The strategy to continue expansion of Inverness City and concentration of development within the Inner Moray Firth will exacerbate growing regional imbalance between the city-region and wider Highlands.
- The emphasis on delivering more land for housing and business development within Inner Moray Firth is totally misplaced. Existing assets should be protected and enhanced rather than destroying the unique qualities and advantages of this area through new development, risking a combination of Irish housing –boom-and-bust and Spanish “concrete costas” disaster.
- The proposals for Nairn are neither justified nor appropriate, notably the continued presumption in favour of massive housing development and population growth. Whilst Nairn should be expanded/redeveloped at a measured rate, this should be based on a rational plan for the necessary infrastructure and regeneration of the town centre in advance of housing developments.
- It is unsustainable to look at the current fashion for renewable energy to underpin regional growth as the economic opportunities the currently provide will not last.
- Nairn is only being offered four substantial tracts of land for housing which is the wrong priority and does not add up to a comprehensive development plan. Simply repeats errors of past with large housing development at the peripheral and piecemeal projects in town centre.

Valerie Springett (179)

- With reference to A96 corridor and Nairn expresses concern regarding perceived excessive scale of development proposed using Ireland as an example. Suggestion that employment and business situation (Kinloss and ROK) suggests migration is less than projected. Mention made to current housing stock available for sale.

Strutt & Parker for Balnagown Estate) (229) and Strutt & Parker LLP for I & DJ Alexander) (488)

- Object to this section being contained at chapter 8. It should be set out before dealing with the spatial strategies for the three areas to provide the context and aid understanding of the plan.
- Object to the absence of any assessment of the employment/business land requirement in the spatial strategy.
- Object to the contents of table 1. Supports the identification of a strategic requirement over a 10-

year period but the contents of table 1 do not appear to be sufficient to meet the aspirational population growth set out at paragraph 8.4. It is not clear how the housing requirement will be split up when preparing the three land allocation LDP's.

- Object to paragraphs 8.7 and 8.7.1 as they say nothing that is not already said elsewhere in the plan.

M Gilvray (453)

- The aspiration to grow the population from a figure of about 200,000 in 2008 to 500,000 over 20 years is not supported by any of HC's own figures or those of the GROS (variously given at between 260,000 and 240,000 by 2031). In terms of housing needs, there appears little justification for the adoption of a high growth scenario and then adding 25% for 'flexibility'. According to the Council own figures demand might only be for 12,500 units taking the lower figures rather than the 33,000 assumed by the plan.
- Do not need more bland and poorly planned estates of 3 bed detached houses delivered by volume house builders but development which achieves better design and environmental standards and is better tailored to demand.

Muir Smith Evans for Inverness Estates Limited (249)

- It is noted that the illustrated expansion areas apply particularly to the existing residential expansion areas of the Adopted Inverness Local Plan and that the land at Milton of Leys (30ha) is not illustrated because it is not allocated for residential development. Suggestions provided below.

Margaret McAlister (378)

- There are already far too many unoccupied houses in this District there is no need to increase their number, at this time when nothing is selling. It would be a massively over indulgent to the benefit of Developers and would do little for people who already live in this area.

Inverlochry & Torlundy Community Council (318)

- Lower levels of immigration and immigrants returning home means high rate of population growth used in plan will not be achievable. Economic downturn will likely result in fewer jobs to attract people from elsewhere or force current residents to relocate elsewhere. Thus the amount of land/number of houses required to accommodate the high growth scenario is too high, cannot be justified and should be addressed.
- Despite claims that a surplus of land is required to provide developers with a choice of sites, they will invariably choose sites that offer the greatest profit, often on fairly level land of high agricultural value that ought to be protected for much needed food production. Sites of good quality agricultural land should be deleted.
- Suggestions that sites not developed within 5 years should be deleted is illogical, as current economic downturn requires a more flexible approach to encourage developers to take on difficult sites by reducing the developer contributions.
- There are risks attached to concentrating industrial and commercial developments around the Moray Firth as much of the area is likely to be at risk of flooding from future climate change, and it should not be to the detriment of the remainder of Highland.
- Instead of planning for the now less likely high rate of immigration, greater importance should be attached to retaining the existing population, especially minimising the drift of youth away from the Highlands. This could be achieved through extending the provision of further education and distance-learning facilities, which will provide potential new businesses with a skilled workforce. These aims will not be helped by a policy of closing schools.

Moray Council (403)

- The Highland Council wishes to develop its role in renewable energy. In accord with the Scottish Government's National Renewables Infrastructure Plan (N-RIP), Nigg and Whiteness (former Ardersier fabrication yard) are proposed as sites for the development of the renewables industry. It is the intention that the Nigg Masterplan, which identifies two options for the site; (1) a multi-use site which focuses primarily on oil-related activities whilst incorporating renewable energy developments, and, (2) a 'Green Energy Park' which utilises the entire site for inter-related renewable activities, will be adopted as supplementary planning guidance. In addition, the

Council will support renewable energy development at Whiteness, should residential/tourism development not materialise. As set out in the N-RIP, part of the Moray area (up to and including Buckie) is included within the Moray Firth port cluster area, and the Moray Council is keen to work with the Highland Council and Highlands and Islands Enterprise (HIE) to develop and complement economic growth opportunities in both Moray and Highland.

Turley Associates for Sainsbury's Supermarkets Ltd. (267)

- The plan identifies Regional, Sub-regional centre and local centres but their role is not defined.)
- Given the level of growth planned for Nairn, Nairn should be promoted to a sub-regional.

Boyd Brothers Haulage (438)

- Concerned the proposed plan and resultant choice of vision, strategy and landuse policies may inhibit and restrict potential economic growth within the Highlands.

Scottish Association for Public Transport (446)

- Plan seriously underestimates the impact of future oil shortages and price rises on the Highland area. The result of which means the plan concentrates on road schemes while putting little or no focus on the role of the rail network.
- Development should be focused on existing settlements which have good public transport links. Developments remote from existing towns are likely to face particular transport problems. This was written in response to question 10 and 13 of Main Issues Report rather than the Proposed Plan but was submitted as a representation to the proposed plan.

Aviemore and Inverness Properties Ltd. (501)

- Spatial Strategy is heavily concentrated in the A96 and will skew investment in that direction which will lead to limited opportunities for growth of other communities which lie outwith these growth centres. Drumnadrochit is a particular centre which may be significantly disadvantaged by this.

Fortrose and Rosemarkie Community Council (203)

- The Community recommends:
 - The first sentence of Paragraph 8.4 is deleted to avoid confusion.

Julian Walford (155), HIGP (168)

- Whilst I agree that it is prudent to plan on an optimistic growth scenario, due account should be taken of the recent uncertainties relating to market housing, and employment, particularly as the area may be vulnerable to reduced public sector employment. I would strongly advocate a measured release of housing land which is balanced by the release of land for employment and commerce. If employment or housing take-up does not proceed as envisaged, then the housing allocations should be cut back at each location until it does. I object strongly to some disingenuous maps presented as regards Spatial Strategy. The Tornagrain site is in reality very close to Croy, (boundaries less than 1 km apart) and it appears that this fact has now been deliberately hidden from the Plan reader. Map-7 (Tornagrain) should show the Croy expansion site but the legend has obscured this. Figure 6 should show the smaller settlements in relation to the other sites, particularly Tornagrain (and Inverness and Nairn expansion). The red Croy label seems to have been positioned to deliberately obscure the Tornagrain site. Note that in contrast, the Main Issues Report (page 21) did clearly show the development at Croy, though only as constructed, and that the A96 Corridor Development Framework also clearly showed this relationship (p14). I object strongly to the change of policy from the 2006 Inverness Local Plan, which limited house-building growth in the smaller settlements to 25% per ten year period, and strongly urge its retention, except where settlements are properly planned and delivered with housing matching employment in a sustainable manner.
- Deeply concerned about the prominence in the Plan of the provisions (principle and detailed) for the A96 Corridor, notably the proposed development of Tornagrain and East Inverness (though we support the plans for Beechwood). First and foremost, the Plan manifestly fails to assess and analyse the likely impact a developed A96 Corridor will have on the Highlands outwith Inverness.

Such an assessment should be a core feature of the Plan. If these two areas are supported in the Plan the inevitable consequence will be that population and jobs will haemorrhage from across the Highlands into the Corridor, so negating otherwise more welcome provisions of the Plan for developing existing communities.

- Furthermore there is no case now, nor in the foreseeable future, for new developments at East Inverness and Tornagrain – even on a ‘scaled back’ basis – when Inverness itself is crying out for investment, and when impending cuts in defence spending are likely to have severe economic effects for Moray and Nairnshire. It is extremely likely that a substantial number of people will travel to work in Inverness from West Moray and Nairn, negating the need for more housing East of Inverness, and these developments could compete with much needed reinvestment here.

Croy Community Council (218)

- Concern the Plan seems to be used to support developments which have not been confirmed in the plan and it has not yet been adopted.

Modifications sought by those submitting representations:

- Clarification the this plan must not prejudice consideration of sites as part of the Inner Moray Firth Local Plan. (35)
- Inclusion of Fairways in providing effective land supply. (69)
- Review and reduce the scale of housing developments proposed in allocations for Nairn and the A96 Corridor. (179)
- Renumber chapter 8 to chapter 4 with subsequent alterations to the following chapters. (229) (488)
- Include an assessment of the employment/business land requirement for the area over the plan period. (229) (488)
- Update table 1 to increase the housing land requirement otherwise the aspiration of achieving a population of 500,000 people will not be met. (229) (488)
- Provide a plan showing the Housing Market Areas and clearly identify how this ties in with the 3 land allocation documents to be produced at a later date. If necessary split the requirement for Wester Ross to provide clarity. (229) (488)
- Remove paragraphs 8.7. and 8.7.1. (229) (488)
- Greater emphasis should be placed on improving infrastructure (transport and other comms networks) to attract investment in businesses to offer sustainable employment. (101)
- Greater focus on tourism/recreation, agriculture, energy, the environment and IT-related industries which lend themselves to remote working. (101)
- Give priority to delivering opportunities and incentives for inward investment (rather than inward migration), including examining financial and fiscal frameworks (rates etc). (101)
- Decentralise and stimulate regional/sub-regional centres such as Dingwall, Wick, Nairn, Ullapool & Ft William by relocating administrative functions and facilities to these locations. This would alleviate pressures on infrastructure in Inverness/IMF, reducing urgency of major capital expenditure in and around the city. (101)
- Nairn and other sub-regional centres should have a sensible and u-to-date town masterplan which takes account of role and functions, capacity for growth (including infrastructure) and regeneration opportunities. Housing should be subordinate element. (101)
- Addition of text to make it clear the illustrated expansion areas refer only to residential areas. (249)
- Reference needs to be made to the fact the Strategy does not invalidate the land use allocations on policies within the adopted local plan (249)
- Addition of additional illustrative area to the diagram (perhaps in a different colour).
- Reduce the requirements for housing allocations. (378)
- The definition of the role and function of each tier in the settlement hierarchy should be included. (267)
- Nairn should be included as a sub-regional centre. (267)

Summary of responses (including reasons) by planning authority:Spatial Strategy – General Comments (57, 326, 318, 35, 179, 229, 488, 453, 155)

- The spatial strategy for the Highland wide Local Development Plan is based on an assessment of the [Housing Needs and Demand](#) for the area as a whole. It is recognised that in most parts of the Highlands, the land supply is more than sufficient to meet projected needs. In Inverness and Nairn however, there are specific land supply issues, which have been addressed by the preparation of the [A96 Corridor Strategy](#), which was adopted by the Council in 2007. There is a requirement to bring this strategy into the statutory framework of the Local Development Plan, and that is one reason why there is specific land allocations relating to these areas in this Plan.
- This will not preclude further sites coming forward, particularly in settlements outwith the A96 Corridor and infill sites within the city of Inverness as part of the Inner Moray Firth Local Development Plan. Indeed the Council has commenced a [call for sites exercise](#) to allow this to happen.
- Section 8 of the Plan is an introduction to the spatial strategy as a whole, and the Council would be content for it to be moved as suggested by SEPA if the Reporter feels that it would aid the flow of the Plan.
- Further reference to population and housing land supply are covered in the Schedule 4 for Issue 86.
- Reference to employment and business land was given in the Monitoring Report prepared to inform this Local Development Plan. No major issues were identified at that time, as there evidence that the supply of land met the requirements for the short to medium term. It was anticipated that any requirement would be picked up through the area Local Development Plans. HIE has subsequently submitted an assessment of the [requirement for industrial land in Inverness](#) and this will be actioned through the Inner Moray Firth local Development Plan.
- The Council does not consider that the impact of the spending cuts in the wider area (including Moray) should mean that any less of an ambitious growth agenda should be put in place. Indeed, it is essential that the infrastructure requirements, land provision and strategic policy is put in place now to support growth when the economy recovers.

Alternative Sites (69, 98, 501)

- The site at Balloch has previously been considered in the context of the A96 Corridor Strategy and at Main Issues Report stage. At both these stages, the site was not taken forward. It is not considered that a development at this location is appropriate given the identified land supply within the city of Inverness and the development opportunities already identified to the east of Inverness.
- A site at Fairways may have the potential to contribute to the Inverness city land supply at some point in the future, but it is not considered appropriate to introduce the site at this stage in the plan preparation. The existing land supply in Inverness is considered to be sufficient in the short to medium term. The Inner Moray Firth Local Development Plan Call for Sites exercise offers a more useful means of investigating the potential for the site.
- Other sites in the areas around Inverness, including Drumnadrochit, will be covered in detail in the Inner Moray Firth Local Development Plan.
- Additional information on the housing land supply for Inverness and surrounding area is given in the schedule 4 for Issue 86.

Nairn (101, 267)

- The Local Development Plan provisions for Nairn are dealt with under the relevant schedule 4 for that issue. Nairn has a role to play in the future growth of the Highland area, and is not covered by an up to date Local Plan. The provisions of the Highland wide Local Development have sought to put in place a strategic overview of the land supply for the town, although it has always been recognised that the future area Local Development Plan will provide a more focussed “whole town” approach to the wider areas not covered by the content of this Plan. This has arisen from the fact that the A96 Corridor Framework looked only at these strategic areas, and this has been carried forward.
- Further consideration of the definition of sub-regional centres is covered under the Schedule 4 relating to retailing.

Mapping (285, 155)

- There is no deliberate attempt to confuse readers of the Local Development Plan in respect of the mapping to support the spatial strategy. The Council will make changes to the mapping to better reflect the situation on the ground.
- Further matters relating to Croy are dealt with under Issue 20.

Milton of Leys Film Studio Site (249)

- The existing provisions for this site remain in force until such time as the Inner Moray Firth Local Development Plan is prepared. It will be appropriate to make this clear throughout the Plan and it is commended that a statement to this effect is included within the body of the introduction to the Local Development Plan. In respect of this specific site, the Council will be prepared to accept whichever option the report sees fit to agree with from those suggested in the representation.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

1. The representation from Moray Council (403) has been withdrawn.
 2. It should be noted that this issue deals with general matters relating to the spatial strategy. More detailed matters, including population and housing land requirements, are dealt with under issue 86. There is inevitably a degree of overlap between the two, and they should be read together.
- Spatial Strategy – General Comments (35, 57, 155, 168, 179, 203, 218, 229, 318, 326, 378, 438, 446, 453, 488)*
3. Hearings were held in Inverness on 27 and 28 September to discuss aspects of issues 85 and 86, amongst other matters, on which the reporters needed further information. The comments below draw on the evidence heard at the hearings as well as that presented in this schedule.
 4. It was clear at the hearing, in addition to the representations above, that the introductory and strategy parts of the plan are considered to lack clarity, in terms of the general presentation and layout. First, this is partly because there is a lack of clarity over the relationship between the eight existing Highland local plans, the proposed Highland-wide plan, and the three forthcoming area local plans. The Council accepted this.
 5. After the hearing, in response to a further information request, the Council proposed new wording for paragraph 3.3, as follows:

It sets out a vision statement and spatial strategy for the area, taking on board the outcomes of the consultation on the Main Issues Report which was issued for public consultation in August 2009. Once adopted the Highland wide Local Development Plan will replace The Highland Structure Plan (2001) and all of the policies, recommendations and proposals contained within. The Highland wide Local Development Plan will also supersede the General Policies, as stated within the Appendix: Superseded elements of Local Plans, of the following Local Plans:

- Inverness Local Plan (2006)
- Nairnshire Local Plan (2000)
- Ross and Cromarty East Local Plan (2007)
- Sutherland Local Plan (2010)
- Caithness Local Plan (2002)

- West Highland and Islands Local Plan (2010)
- Wester Ross Local Plan (2006)
- Badenoch and Strathspey Local Plan (1997) (in part).

The land allocations in the above Local Plans will remain in place (unless an updated site allocation is given in the Highland wide Local Development Plan) until the time that the new area Local Development Plan is adopted. The Plan also sets the context for the Council's emerging area local development plans. These will consolidate and replace the existing local plans.

6. Paragraph 3.3 is part of the introduction and context of the plan. The proposed new wording provides greater clarity and a better explanation of the various plan relationships. Subject to minor editing it should be used instead of the existing paragraph, and part of paragraph 3.4.

7. Second, section 8 Spatial Strategy comes after the three sections that set out the broad spatial strategies for Caithness and Sutherland, West Highlands and Islands, and Inner Moray Firth. As section 8 is effectively an introduction to these three strategies, which are subsequently dealt with in more detail, it would be better located after section 4, with subsequent section renumbering. In this position it would also better relate to the new paragraph 3.8.3, a modification that is made under issue 82, and which, for reference, reads as follows:

3.8.3 The following sections outline the Highland Council's Vision for the Highland area as a whole and for the three areas which will be the subject of future Local Development Plans. These Visions are not policies *per se*; rather they are an expression of what the Highland area could be like in 2030. Where reference has been made to individual projects, these are either dealt with in more detail within the body of this plan, or will be considered within the forthcoming Local Development Plan for the relevant area. In all cases, these projects will be subject to the necessary assessments, including Habitats Regulations Appraisals where appropriate.

At the hearing the Council confirmed it is agreeable to this.

8. Third, sub-section 8.7 is an isolated page relating to the Inner Moray Firth. It basically repeats what is said in the present section 7 Inner Moray Firth. To avoid confusion it should be deleted, and the Council is content with this.

9. Many of the representations take issue with the continuing emphasis on existing growth areas, especially within the Inner Moray Firth. In particular the A96 corridor is seen as promoting unsustainable levels of growth. The corridor itself has been dealt with under Issue 9, which supports the inclusion of the main features of the corridor strategy. The Inner Moray Firth is the main area for development focus, and is based to a large extent on existing areas where successive plans have promoted growth over an extended period of time.

10. From the plan as a whole I find there are three main elements to this. First Inverness is the driving force for the Highlands as a whole, being one of the fastest growing cities in the whole of the United Kingdom over the last decade or so. East of the city there has been extensive development, building in part on the back of oil development and supported by easy access to the A9, and rail and air links. The third area is Easter Ross, where early industrial development in the Invergordon area gave way to oil related development that, although past its peak, shows increasing signs of revitalisation for off-shore energy, supported by the proposed plan.

11. From the submissions before me and what I heard at the hearings on 27 and 28 September, I am satisfied that the A96 corridor and other proposals form part of a long accepted strategy, at least by the Council and clearly by many other supportive parties. Although a non-statutory document, the A96 Growth Corridor Development Framework was accepted by the Council as supplementary planning guidance, pending the preparation of the Highland-wide local development plan.

12. The National Planning Framework 2 is a statutory document. It states at paragraph 2 that: "It provides the strategic spatial policy context for decisions taken by the Government and its agencies. Planning Authorities are required to take the Framework into account when preparing development plans and it is a material consideration in the determining of planning applications."

13. With regard to the A96 corridor it states at paragraph 214 that: "The A96 corridor between Inverness and Nairn is the main focus of growth in the Inner Moray Firth. Highland Council's A96 Corridor Development Framework includes proposals designed to accommodate an additional 30,000 people in the area over the next 35 years." It continues with references to Tornagrain and Whiteness and acknowledges the need for substantial investment in transport and water and drainage infrastructure and the creation of a supporting green infrastructure. It also recognises the need for the dualling of the A96 between Inverness and Nairn, and the provision of an airport interchange and park and ride facility at Dalcross.

14. Against this background I find the principle of the development within the Inner Moray Firth as a whole is well established. The Highland-wide plan is therefore correct to emphasise this area, and I find it appropriate that specific sites are allocated within the plan. Therefore no modification is required in terms of the principle of this strategy. This does not preclude development in other areas, and within the core areas on sites other than those in the Highland-wide plan. These will be assessed in detail during the preparation of the three area plans, and I note that the Council has already called for sites as part of the process for the Inner Moray Firth area local development plan.

15. Much concern is expressed about the overall level of development proposed, with reference being made to unsustainable levels of growth being set out in paragraph 8.4. It became clear at the hearing that some of this concern is due to a misunderstanding of what paragraph 8.4 says. This is because it refers to agreed growth levels for the Highlands and Islands Enterprise area taking the population to 500,000 over the next 20 years. This is misleading, as there is no reference to the fact that the HIE area, in population terms, is nearly twice the size of Highland. The total figure appears to have been taken as a target for Highland alone.

16. In response to a further information request, the Council proposes a new version of paragraph 8.4, which makes the situation clear, as follows:

In assessing what a generous supply of land means in Highland, we have taken account of the target agreed between the Scottish Government and Highlands and Islands Enterprise (HIE) to grow the HIE area population to 500,000 people over the next 20 years. The HIE area covers Western Isles, Argyll and Bute, Orkney and Shetland as well as Highland. The Highland Council area accommodates nearly 50% of the existing population of the HIE area. The HwLDP seeks to contribute towards the HIE strategy through providing opportunity for growth within Highland and the HwLDP aspires to increase the population to 250,710 by 2031. This growth rate reflects support for a number of economic growth areas such as: the transition of UHI to full University status; business growth at Inverness Airport; reuse of the Nigg fabrication yard; expansion of activities at Highland Deephaven; and development of wave and tidal energy in the Pentland Firth.

17. From this it is clear that the target population for the Highland-wide plan area is some 251,000 by 2031. This provides the figures for calculating the housing land requirements, and I am satisfied that on this basis the overall strategy is well thought out. The proposed modification to paragraph 8.4 should be made. There is no need to change the content of Table 1.

18. Concern has also been expressed about the need for as much land being allocated during the current economic downturn. In practical terms this could mean that development is delayed, and projected development sites may lie unused until beyond the plan period. I am unaware of any development plans that have taken into account the economic downturn. Plans are prepared on the basis of expected growth once the economy recovers, so that mechanisms are already in place, rather than having to react to future changes of circumstances that could have been anticipated. There is no Government guidance to suggest that the allocation of sites should be restricted. If anything the contrary is the case with, for example, the Chief Planner's letter of 29 October 2010 recommending flexibility on the part of planning authorities. In particular Scottish Planning Policy, at

paragraphs 70 and 71, recommends a generous housing supply, providing the flexibility necessary for the continued delivery of new houses.

19. I find the broad general strategy set out in the proposed plan meets Scottish Government policy and guidance, and that no modification should be made in this regard. This does not prejudice the future development of sites that may come forward through the forthcoming area local development plans. I find no reason to conclude that the proposals may inhibit and restrict potential economic growth within the Highlands.

20. A number of other general matters are raised, but these are all ones that are dealt with appropriately in the forthcoming area local plans.

Alternative Sites (69, 98, 501)

21. Specific sites are put forward for development at Balloch, and Fairways. The Council argues that these sites have been considered during the plan making process, but neither has been taken forward. I have not been provided with any persuasive evidence that they should be included in the Highland-wide plan. It was never the assumption that this plan would provide the only land use allocations for the area. It is more of a general strategy document, and although specific sites are included, these are mainly in response to specific circumstances, such as bringing forward A96 corridor sites to give them a statutory basis.

22. I have already referred to the Council's call for sites for the Inner Moray Firth local development plan. I agree with the Council that this is the proper mechanism for considering further sites, and both Balloch and Fairways can be examined as part of this process. I find no need to modify the plan in this regard.

23. Reference is also made to other settlements, such as Drumnadrochit, being disadvantaged. Smaller settlements outwith the main development areas will be considered during preparation of the Inner Moray Firth local development plan. I see no reason why Highland-wide policies should prejudice appropriate development there that is brought forward through the area plan. No modification is needed.

Nairn (101, 267)

24. Nairn is dealt with under Issue 92. Issues 15, 16, 17 and 18 deal with specific areas of the town. I find no need to make further reference to them here. With regard to Nairn's position in the settlement hierarchy, this is dealt with under Issue 41, retail development. Again there is no need to make further reference to this here.

Mapping (155, 285)

25. Whilst the Council states there is no intention to provide misleading maps and figures, and I accept fully this explanation, I have sympathy with the representations regarding the quality of some of the cartography. I have already recommended modifications to the A96 corridor map under Issue 9, for similar reasons to those expressed here. I note the Council intends to make changes, and I find no need to make specific recommendations here.

26. Reference is made to the lack of green strategy coverage on Figure 3. I note from Policy 75 that networks will be identified in supplementary guidance. The guidance is listed in appendix 6.3, suggesting that this work is not yet completed. I note also that Figure 10, which shows the areas where green networks are to be identified, is purely diagrammatic. In these circumstances it would be appropriate for details of the networks to be included in the forthcoming area plans, when the work has been completed. No modification is needed here.

Milton of Leys Film Studio Site (249)

27. The Council accepts that the situation regarding the existing local plans should be clarified. I have already dealt with this at paragraphs 5 and 6 above. With regard to Milton of Leys, it is shown on Figure 4 as an expansion site for Inverness. Figure 4 does not however include land that has planning permission for media related uses and visitor facilities, the first of which is unlikely now to come to fruition. This land is located adjacent to the allocation shown on Figure 4 on its south-east

side.

28. The representation seeks clarification of the position in the plan, and the Council is content to leave it to the reporters to decide how this should be done. As well as the reference to existing local plans just referred to, it would be sensible to extend the designated area of Milton of Leys to include the site that has planning permission, and the figure should be modified accordingly. I see no reason for this to be differentiated from the rest of the Milton of Leys area.

Reporter's recommendations:

I recommend the following modifications:

1. Delete paragraph 3.3, and the first sentence of paragraph 3.4, and replace with a new paragraph 3.3:

It sets out a vision statement and spatial strategy for the area, taking on board the outcomes of the consultation on the Main Issues Report which was issued for public consultation in August 2009. Once adopted the Highland-wide Local Development Plan will replace The Highland Structure Plan (2001) and all of the policies, recommendations and proposals contained within. The Highland-wide Local Development Plan will also supersede the General Policies, as stated within the Appendix: Superseded Elements of Local Plans, of the following Local Plans:

- Inverness Local Plan (2006);
- Nairnshire Local Plan (2000);
- Ross and Cromarty East Local Plan (2007);
- Sutherland Local Plan (2010);
- Caithness Local Plan (2002);
- West Highland and Islands Local Plan (2010);
- Wester Ross Local Plan (2006); and
- Badenoch and Strathspey Local Plan (1997) (in part).

The land allocations in the above Local Plans will remain in place (unless an updated site allocation is given in the Highland-wide Local Development Plan), until the time that one of the Council's three new area local development plans is adopted. The Plan also sets the wider context for these emerging area local development plans. They will consolidate and replace the existing local plans.

2. Create a new Appendix section to contain the superseded elements of local plans, as listed in 1. above, amended to bring the content into accord with the finalised Highland-wide plan and any other changes of circumstance.
3. Move section 8 Spatial Strategy and insert after section 3 as a new section 4. Renumber the existing section 4, and others, as necessary.
4. Delete paragraph 8.4 and replace with:

In assessing what a generous supply of land means in Highland, we have taken account of the target agreed between the Scottish Government and Highlands and Islands Enterprise (HIE) to grow the HIE area population to 500,000 people over the next 20 years. The HIE area covers Western Isles, Argyll and Bute, Orkney and Shetland as well as Highland. The Highland Council area accommodates nearly 50% of the existing population of the HIE area. The Highland-wide Local Development Plan seeks to contribute towards the HIE strategy through providing opportunity for growth within Highland and aspires to increase the population to 250,710 by 2031. This growth rate reflects support for a number of economic growth areas such as: the transition of UHI to full University status; business growth at Inverness Airport; reuse of the Nigg fabrication yard; expansion of activities at Highland

Deephaven; and development of wave and tidal energy in the Pentland Firth.

5. Delete paragraphs 8.7 and 8.7.1.
6. On Figure 4, expand the designated area of Milton of Leys to the south-east to include the area that is covered by planning permission for film studios, a media centre, visitor/retail, restaurant facility and hotel, as designated '18' on the Inverness Local Plan.

Issue 86	Population and Housing land requirements	
Development plan reference:	Spatial Strategy and Table 1, Page 20; Consolidating the City and Table 2, Page 22; Nairn and Table 3, Page 50.	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Joan Noble (67) P Jenkins (74) Alastair Noble (76) Nairn West Community Council (101) Mrs E Holland (153) Firm of Mackay, Robertson & Fraser, Blair of Tarradale, Muir of Ord (183) Fortrose and Rosemarkie Community Council (203) D & J Piggott (208) Nairn Resident Concern Group (NRCG) (209) Croy Community Council (218) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) C Stafford (272) Mrs and Mrs A Brunton (394) Carol Walford (475) Helen Jenkins (527) Scotia Homes per EMAC Planning (532)</p>		
Provision of the development plan to which the issue relates:	Population Growth and Housing land supply requirement	
Planning authority's summary of the representation(s):		
<p><u>Population and Housing Requirement</u> Proposed housing-led development is based on inappropriate and questionable forecasts, notably regarding population growth and housing demand. The Council persists in planning on the basis of "aspirational" population growth figures. The aspirational figures used are not based in any sort of reality.</p> <ul style="list-style-type: none"> ▪ GROS projections form some sort of rational basis for looking forward, but these have been ignored in favour of arbitrary figures concocted by the likes of HIE, and which favour developers in the A96 corridor area. (74, 101, 527) ▪ Question validity of aspirational growth figures in light of national economic changes over course of past 2 years. (76, 153, 208, 394, 475) ▪ The government in Westminster is cutting back hard on immigration; the high migration scenario is dead. They are also talking about the 'big society' and this is in line with the Scottish Executive drive towards localities and the idea of localities solving their own problems within a fixed fair share budget. (76) ▪ Council's figures identify the loss of younger people and areas of continuing population decline. Real need is not being addressed by current policies and the influx of older people has to be addressed. To meet this unjustified need there is also large areas of prime agricultural land being allocated when the Council has indicated it will only do so if there is a substantive need. (153) ▪ It is essential to plan for the known demographics, in terms of provision of suitable housing, care in the home provision, health services, and so forth. Yet this is not done properly. Young people will continue to leave the Highland area in search of jobs and adventure. Older people will move in. (74, 527) ▪ No clear justification for the large number of houses proposed, the whole concept is speculative (218) <p>The HwLDP Proposed Draft is founded on a complete fallacy: that the population will grow at unprecedented levels over the next 20 years:</p>		

- relies on strong economic growth over and above what has been seen in the 2002 – 2007 period.(The High Migration Scenario).
- there will be negligible gains from births to support this growth
- in-migration has decreased significantly in 2009, below low migration assumptions
- extrapolating this downward trend will lead to net out-migration
- employment opportunities are no longer plentiful
- cuts to the public sector where 31% of employment lies will impact on the Highland economy
- the Housing Need and Demand Assessment suggested that given the economic situation that the central demographic migration scenario should form the baseline assumption for assessing housing needs. (67)

Firm of Mackay, Robertson & Fraser, Blair of Tarradale, Muir of Ord (183), Strutt & Parker LLP for Balnagown Castle Properties Ltd (229)

- Whilst we support the identification of a strategic requirement over a 10-year period, the contents of table 1 do not appear to be sufficient to meet the aspirational population growth set out at paragraph 8.4.
- Paragraph 8.4 indicates that there is an aspirational target figure of population growth over the next 20 years (agreed between the Scottish Government and Highlands and Islands Enterprise (HIE)) to some 500,000 people from the current 220,490 (General Register Office (Scotland) (GRO(S)) 2009 mid year estimates). This equates to approximately 14,000 people per year.
- The GRO(S) Household Projections for Scotland (2008 based) indicate a falling average household size for the Highland area from 2.16 people (in 2008) to 1.94 people (in 2033).
- On this basis, in order to achieve the aspirational target at Para 8.4, the Council would need to deliver between 6,500 houses per year (at 2008 rates) and 7,200 houses per year (at 2033 rates). Therefore, the Council's requirement set out at Table 1 of 20,319 (between 2011-21) and 12,929 (between 2021-31) will result in a significant undersupply of housing over this period.
- There is a lack of clarity between the three land allocation documents that will be produced at a later date as shown in the Local Development Plan Scheme, and the Housing Market Areas (as shown in the Housing Need and Demand Assessment (HNDA)). Based on the HNDA HMA plan, it would appear that the Inner Moray Firth LDP will accommodate part of West Ross HMA, it is not clear from the table how the housing requirement for this area this are will be split when preparing the three, land allocation LDP's that will be produced shortly.

Fortrose and Rosemarkie Community Council (203)

The Table at 8.5 expresses a Housing land requirement for 32,248 dwellings. It is understood that this figure is some 25% higher than the actual need:

- allows for a 30,000 population growth. (HNDA figures).
- allowances for variations of local growth and fluctuations are reasonable
- giving the developers a greater degree of market choice is totally unacceptable.
- actual assessed housing need figures are more helpful to community representatives at planning discussions
- the Community recommends less latitude is given to developers under the Housing Land requirement

Nairn Resident Concern Group

- Nairn housing proposals are fatally flawed in the same way as the rest of HWLDP and it is clear to anyone that lives there that the private housing market is completely flat. (67)
- The Highland HNDA notes 'There are parts of Highland – eg Nairn – in which the requirement for open market housing appears to be low. (67)
- On population issues the single most important cornerstone of the MIR was its stated aims to achieve 500,000 across the Highlands by 2031. The Proposed Plan continues to aspire to this figure despite figures from the GROS that at most the population will grow to approx. 245,000 by 2031 (209)
- THC has reduced the number of houses planned for Nairn from 4629 to 2565. This number of houses equates to an increase in population of 5387 to 2031 (45% from 2006). The Registrar's projection for Nairn to 2031 is 14.7% i.e. approx. 1770. This means that THC

continue to over-aspire Nairn's population by >200%. (209)

The NRCG indicate that:

- THC has disregarded evidenced figures from the GROS. (209)
- The PP does not take a proportionate approach to population projections but is predicated on unrealistic and unachievable population aspirations. (209)
- the Plan cites the constraints as being only one major site i.e. Lochloy and the need for more choice. However, the lands at Sandown (140) and Delnies (300) indicate 450 homes to be built (using NLDP allocations).
- The NRCG understands from THC that Sandown will have capacity for 350 homes thus increasing development on these 2 sites to 650. (209)
- Waiting list figures obtained from THC via an FOI as at 28/10/10 indicate a requirement for affordable/rented accommodation for approximately 350 families (760 persons) in Nairn and rural Nairn. (209)
- GROS projected population increase for Nairn of 1770 people to 2031, this means that approx 850 houses (=2.1% persons per household) require to be built to 2031 and not the 2565 proposed in the Plan i.e.>200% above the required need. (209)

C Stafford (272)

Object to the statement made as Policy 14 supporting the development at Whiteness as part of the strategy to provide a long term housing land supply. The policy further states that it will also support the reuse of the site for renewables related development, should the housing element not come forward'~ on the grounds that this policy statement;

- lacks the clarity and certainty incumbent upon policy statements contained in a Plan-led system;
- fails to address what could be a limited range of options - given that the Council recognises that there is a possibility that the housing element will not come forward;
- fails to provide a phasing strategy and hence fails to provide clearly demonstrable links between development at Whiteness and the 'A96 Corridor Transport Study' which describes Whiteness as a key development for the period.
- policy should be amended to state how the council would proceed in the event that set requirements do not come forward on the Whiteness site and which sites would be brought forward and how would they be phased
- it would seem appropriate to draw the conclusion that development in another area of the A96 Corridor would need to be brought forward, should housing development on the land allocated at Whiteness not materialise.
- by not including any reference to this it would appear that the Council no longer wishes to draw attention to the fact that land release could be accelerated in other areas of the A96 Corridor to potentially meet their HNDA requirement figures.
- it is difficult to envisage however from which areas this additional housing allocation could come if the Whiteness development fails to deliver.

EMAC for Barratt, Robertson and Scotia. (333)

- The Nairn South consortium supports the Council approach to the allocation of a generous supply of housing land in line with national guidance. Paragraph 66 of Scottish Planning Policy [SPP] identifies the Scottish Government's support for the generous supply of land to enable the provision and range of housing in the right places. The consortium for Nairn South has already identified that their proposal will provide for this range and choice of tenure which will include affordable housing, in a location supported by the LDP Proposed Draft.

Scotia Homes per EMAC Planning (532)

- The preferred option of a high migration scenario is supported and will assist the effective delivery of housing land and the achievement of the stated objectives of the plan. Housing land requirement should be high enough to reflect and accommodate the projected employment growth vision for the area and to secure the necessary community and infrastructure benefits.
- The provision of a 'generous supply of land is supported by SPP3

Carol Walford (475)

- The UK strategic Defence Review may lead to lots of empty housing stock, in light of this should the significant expansion of the smaller settlements not be reconsidered?

Modifications sought by those submitting representations:

The targets for population and housing growth should be revised downward to more sustainable and realistic levels.

The Council should follow the approach to allocation of housing land outlined in the guidance letter from the Chief Planner's letter of 29/10/2010.

Lochloy provides enough housing for Nairn for the next five years.

Given the economic climate and number of unsold properties can the Council justify the increase in housing stock .

Reduction in the level of housing allocation in Nairn.

Plan needs to identify alternative to identified sites should they fail to come forward.

Less latitude is given to developers under the Housing Land requirement.

Summary of responses (including reasons) by planning authority:

In response to the call for population and housing growth figures to be revised downwards the Council offer the following:

Housing Land Requirement

[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 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 HNDA Guidance sets out the approach to determining housing supply targets and these have been followed by the Council and as such the HNDA has been assessed as robust and credible and conforming with Government guidance by the [Centre for Housing Market Analysis](#) (Scottish Government).

SPP, para.73, states that Local Development Plans "*should identify the housing land requirement and allocate a range of sites which are effective or capable of becoming effective to meet these requirements up to year 10 beyond the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. Local development plans outwith city regions should also provide an indication of the possible scale and location of housing land up to year 20 requirement*"

It further states, "*The delivery of housing through the development plan to support the creation of sustainable mixed communities depends on a generous supply of appropriate and effective sites being made available to meet need and demand, and on the timely release of allocated sites.*"

In addition SPP indicates that the delivery of housing depends on "*a generous supply of land for*

housing in the development plan will give the flexibility necessary for the continued delivery of new housing even if unpredictable changes to the effective land supply occur during the life of the plan. Consideration of the scale and location of the housing land requirement in development plans well ahead of land being required for development should assist in aligning the investment decisions of developers, infrastructure providers and others.”

The HwLDP housing land requirement figure (Table 1, Page 20, HwLDP) indicates the findings of the HNDA and takes account of the need to accommodate choice and flexibility through:

- provision of a range of effective housing sites
- flexibility to accommodate the potential to accommodate development should sites not come forward
- early phases of development in the growth corridor to allow the delivery of a continuous supply of effective housing land

To briefly explain the construct of the Housing Land Requirement figure this is composed of separate elements:

- Identified emerging and current housing need
- Backlog allowance to meet unmet housing needs and demand
- Acknowledgement of the ongoing levels of non-effective stock
- Flexibility and choice allowance to meet demand led development (25%)

Whilst the Population and household projections provide the evidence base for the housing land requirement. The levels of land requirement can be further considered through comparison with past growth and house completion rates in the area.

Concerns have been expressed in regards to the levels of housing land allocated within the Plan for the Inverness to Nairn area. To give a context to the amount of housing land required we have used an average build rate derived from records between the year 2000-10 to form a further view of potential future build rates and land requirement. To be consistent with other considerations in the HNDA we include requirements to provide choice and flexibility and an allowance to address the backlog of housing need. The resultant land requirement bears comparison to the HNDA, with a similar scale of figure both in the Inverness and Nairn areas.

Housing Land Requirement – based on historical completion rates

Area	Average build per annum* 2000-11	10 year build	Flexibility @ 25%	Backlog of housing need	Total	HNDA figure 2011-21
Inverness HMA	548	5480	1370	2340	9190	9116
Nairn HMA	84	840	210	320	1370	1593

* previous 11 year average, figure includes non-effective stock allowance.

It can be seen from the table above that the levels of allocations, reflect those that would have been required to meet development over the previous 10 years It is therefore considered that the approach taken by the Council is wholly appropriate and compliant with government guidance.

The housing land requirement for later years does not include a requirement to address backlog of housing need. A consistent approach to the identification of the housing land requirement has been applied to all other Housing Market Areas within Highland.

The existing housing land supply identified to meet early development needs for the wider area and in particular the Inverness and Nairn Housing Market Areas are identified through the *Housing Land Audit 2007*. [Extracted data from the 2007 Audit](#) was updated, to confirm the effective housing land supply for Inverness and Nairn and it's ability to meet the housing land requirement for the early years of the Plan. The [Housing Land Audit](#) 2010 is currently being prepared and will provide the most recent housing land supply position.

The preparation of the 3 forthcoming area LDP's will address any issues of split Housing Market Areas. An assessment of how to deal with the split is likely to comprise of consideration of population, existing numbers of properties, historical build rates and availability of service infrastructure.

Population Issues

The HwLDP indicates the use of the Highlands and Islands Enterprise (HIE) figure as an indication of the strategic approach to growth in Highland and the HIE wider area. The population of the HIE area stands at 447,043 at 2009 and aspires to growing the population of the HIE area to 500,000 over the next 20 years.

The reference to the HIE growth strategy relates to the whole HIE area and not just that covered by the Highland Council area. The HwLDP does seek to contribute towards this strategy through providing opportunity for growth within Highland and aspires to increase the population to 250,710 by 2031, the population stands at 220,490 at 2009. This equates to a net 1373 population increase annually, this figure takes into account forecasts for natural change ie births and deaths.

The period 2000-2009 have seen the population increase by 11,890, an average annual population growth of 1321 persons not significantly lower than that projected by the high growth scenario.

The levels of migration into Highland have decreased over the past 2 years but the longer term trends indicate that in-migrants to Highland will still be significant. Government moves to reduce in-migration relate to countries outwith the EU. Migrants to Highland mainly comprise those from the rest of Scotland and the UK and to a lesser extent migration from other EU countries.

The housing requirements of an ageing population will for part of the consideration of housing proposals and will also be considered against Policy 38 - Accommodation for an Ageing Population.

In respect of the NRCG concerns regarding the allocation of an oversupply of housing land. The GRO population projections are indicated as underpinning this argument and that the projected population growth for Nairn does not merit the levels of housing land requirement. This view is based purely of increasing population levels and does not consider the allowances for backlog, non-effective stock or choice in the markets place. Additionally the fact that the creation of new households occurs even where there is a static or even declining population has not been considered in this objection. The HNDA takes account of these issues and is factored into the consideration of the housing land supply target and requirement.

Developments supported in the Plan, including the UHI campus and college will be attractions to retain and attract younger people.

Related Issues

In regard to the failure to address what could be a limited range of options if the housing element does not appear at Whiteness Head. The elements of choice and flexibility offered through the gross housing land requirement take account of the potential for sites not to be delivered and still accommodate the projected housing need. Tables 2 and 3 identify where the gross housing requirement can be met and how through the development of existing sites within the city and the timely release of sites within the A96 corridor to ensure the necessary infrastructure improvements for the continued delivery of new housing along with other associated development lands and types.

In response to comment regarding phasing of development, Tables 2 & 3, Potential distribution of development for Inverness and Nairn HMA's (HwLDP. Pages 22 & 50 resp.) indicate timeframes and locations where broad delivery rates of development across the corridor can be achieved. The primary intention of these tables is to ensure that there is an adequate supply of effective land to meet development needs. The potential exists to bring forward phases of development to meet any shortfalls. The delivery of development on windfall sites reflects historical rates of development on these smaller unallocated sites.

In regard to comment that Nairn has an adequate existing housing land supply; the housing land

requirement as contained within the HNDA and HwLDP cannot be met from the single remaining active major allocation at Lochloy. The site has a remaining capacity of approximately 200 houses insufficient to meet the identified requirement; in addition there is a need to provide choice in the housing market. The existing allocation for housing expansion at Sandown requires the preparation of a development brief to assist in the delivery of the site. Relatively low demand for private sector housing identified in the HNDA was a comparison to the relatively high levels of demand for affordable housing and in the context of a lack of availability of an effective housing land.

The challenge offered by the current economic position is accepted as a potential brake to development progressing at the anticipated rate in the early years. However, as conditions for access to both mortgages and development funding become easier, larger scale allocations and proposals will start to progress.

In regard to the impact of the loss airbases in Moray, the "Reference" study it's stated that in 2005 3% of Kinloss and 1% of Lossiemouth civilian staff live in Inverness & Nairn. There are rules about military personnel living in close proximity to their base. It is unlikely therefore that more than 30-40 base staff are resident in Highland, across the corridor area this is not seen as significant to the housing market..

In regard to the issue of unsold properties within Inverness and Nairn areas, the Highland Solicitor Property Centre, reported in its Review of 2010 Property Market that an increase in enquiries through the website, and that; *"Apart from the economic uncertainty, one of the biggest factors holding the market back is the difficulty buyers – particularly first-time buyers – are having in obtaining mortgages."* It is hoped that as the economic position improves and confidence grows within the banking sector that the availability of mortgages will increase.

The approach to allocation of housing land outlined in the guidance letter from the [Chief Planner's letter of 29/10/2010](#) indicated that a range of actions should be considered which may render sites developable for example phased funding and prioritisation of infrastructure. The Council has taken a pragmatic approach already within the HwLDP to assist in the delivery of effective sites with the phasing and infrastructure requirements tailored to assist in making land effective.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Population Issues (67, 74, 76, 101, 153, 208, 209, 272, 527)

1. It should be noted that this issue deals with more detailed matters of population and housing land requirements than are dealt with under issue 85. There is inevitably a degree of overlap between the two, and they should be read together.
2. Hearings were held in Inverness on 27 and 28 September to discuss aspects of issues 85 and 86, amongst other things, on which the reporters needed further information. The comments below draw on the evidence heard at the hearings as well as that presented in this schedule.
3. Some of the concern expressed in representations about the assumed overall level of population growth is due to a misunderstanding of what paragraph 8.4 says. This is because it refers to agreed growth levels for the Highlands and Islands Enterprise area taking the population to 500,000 over the next 20 years. This is misleading, as there is no reference to the fact that the HIE area, in population terms, is nearly twice the size of Highland. The total figure appears in some representations to have been taken as a target for the Highland area alone.
4. In response to a further information request, the Council proposes a new version of paragraph 8.4, which makes it clear that the growth figure to 500,000 people over the next 20 years covers the whole of the Highlands and Islands Enterprise area. This includes the Western Isles, Argyll and Bute, Orkney and Shetland as well as Highland. The Highland-wide plan seeks to

contribute towards the HIE strategy through providing opportunity for growth within Highland and the plan aspires to increase the population to 250,710 by 2031. The full text of the proposed paragraph, my conclusions, and acceptance of it are dealt with under issue 85.

5. From that it is clear that the target population for the Highland-wide plan area is some 251,000 by 2031. This provides the figure that underpins the housing land requirement calculations, and I was satisfied that on this basis the overall strategy is well thought out.

6. The Council has set out clearly above the way in which the population growth figures were calculated. This was expanded on, together with the consequential housing land supply figures, at the hearings. This does not need repeating.

7. Housing demand is related to the projected population of the area, which provides a basis for expected growth, taking into account other factors as explained by the Council, such as changing household sizes, existing housing stock, and waiting lists, among others. The Council points out that growth over the past 10 years has been 1,321 persons per annum. Compared to this, a projected growth rate to 2031 of 1,373 is not unreasonable. Apart from references to problems caused by the present economic downturn, I have not been provided with any evidence that demonstrates that this projected population will not be achievable under normal conditions. I refer further to this below, but I am not persuaded to modify the population growth figures used in the proposed plan.

Housing Land Requirement (76, 101, 153, 183, 203, 218, 229, 272, 475, 532)

8. Following from the population growth levels the plan considers the housing land requirements. Whilst many representations consider the allocations to be far too high, this view is not universal. What is important in assessing this from the reporters' viewpoint is the starting point of the framework within which they must work in examining the proposed plan on this issue.

9. The starting point, as explained by the Council, is Scottish Planning Policy. Paragraphs 70 and 71 make it clear that a generous amount of land should be provided. It is pointed out that this provides flexibility when changes occur, and that consideration of the scale and location well ahead of land being required aids investment decisions of developers, infrastructure providers and others.

10. Paragraph 76 states that where the housing need and demand assessment is considered robust and credible by the Scottish Government, as is the case here, the approach used will not normally be considered at a development plan examination. The Council's explanation of how this then leads to the housing land requirement outlines a standard assessment procedure, giving the figures set out in table 1. I found under Issue 85 that there is no need to change the content of this.

11. Several representations refer to the freedom that would be given to developers because of overgenerous figures, brought about by the flexibility allowance. As a general guideline flexibility it taken to be around 25%, the figure used here by the Council, so it is not out of line with normal practice. I see no need to modify the figures on this basis.

12. That said, the Council did accept at the hearings that paragraph 9.3, which sets the context for table 2, distribution of development in the Inverness housing market area, could have been better expressed. In response to a further information request submitted after the hearings, the Council proposed a revised paragraph as follows:

The development of the City and the wider Inverness Housing Market Area requires the continued delivery of effective land for development. To meet the identified gross housing land requirement for the Inverness Housing Market Area as identified in the Highland Housing Need and Demand Assessment (HNDA), further land allocations have been brought forward to offer choice and flexibility in the land supply. These allocations taken together with land currently allocated in the Inverness Local Plan have the capacity to meet housing land requirements. Table 2 demonstrates the potential distribution of effective housing land to meet the land requirement as identified through the HNDA.

I agree that this provides greater clarity about the land allocations and the plan should be modified accordingly.

13. Taking housing land requirements as a whole, and noting particularly the Council's comprehensive explanations above, taken with the evidence presented at the hearings, I find no evidence to justify any modification to the overall figures.

Related Issues

14. I referred under Issue 85 to the concern that has also been expressed about the need for as much land being allocated during the current economic downturn. In practical terms this could mean that development is delayed, and projected development sites may lie unused until beyond the plan period. I am unaware of any development plans that have taken into account the economic downturn. Plans are prepared on the basis of expected growth once the economy recovers, so that mechanisms are already in place, rather than having to react to future changes of circumstances that could have been anticipated. There is no Government guidance to suggest that the allocation of sites should be restricted. If anything the contrary is the case with, for example, the Chief Planner's letter of 29 October 2010 recommending flexibility on the part of planning authorities. The downturn does not provide any evidence to justify modifying the plan.

15. Other representations are concerned about specific allocations, generally within the A96 corridor, including Nairn and Whiteness. Issue 9 deals with the general strategy of the corridor, and I found it well established in planning policy. Individual settlements are dealt with under their own issue sections and need not be considered further here.

16. I accept the figures provided by the Council regarding the loss of personnel at the RAF bases in Moray. The do not provide any justification for modifying the land requirements.

17. I appreciate some representors will be unhappy with my findings, which are broadly supportive of the Council. It should be remembered that the Highland-wide plan is, in general, a strategy level document. Although specific land allocations are provided, they do not give any detail and mostly refer to mixed uses. The forthcoming area local plans will provide the opportunity for such detail to be set out, and allow for adjustments in land provision. I note the Council has already called for sites for the Inner Moray Firth area local development plan. There will be opportunities for further comment and discussion when the main issues report is published, to be followed by the draft plan itself.

Reporter's recommendations:

I recommend the following modification.

1. Delete paragraph 9.3 and replace with:

The development of the City and the wider Inverness Housing Market Area requires the continued delivery of effective land for development. To meet the identified gross housing land requirement for the Inverness Housing Market Area as identified in the Highland Housing Need and Demand Assessment (HNDA), further land allocations have been brought forward to offer choice and flexibility in the land supply. These allocations taken together with land currently allocated in the Inverness Local Plan have the capacity to meet housing land requirements. Table 2 demonstrates the potential distribution of effective housing land to meet the land requirement as identified through the HNDA.

Issue 88	Inclusion of New Sites	
Development plan reference:	Land submitted for inclusion in HwLDP	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
Fairways Leisure Group (69) MacDonald Estates PLC (98) Highlands and Islands Enterprise (HIE) (190) Mr D MacDonald (199) Balnagown Castle Properties Ltd (229) Madison Sol Limited (372) Mr and Mrs G Goode (415)	Mr R MacDonald (416) James Baille (460) I & D J Alexander (488) Invergordon Community Council (497) Aviemore and Inverness Properties LTD (501) Mr & Mrs R MacDonald (517)	
Provision of the development plan to which the issue relates:	Various	
Planning authority's summary of the representation(s):		
<p><u>Inclusion of new sites</u> <i>The representations below all have maps attached to their original representation showing the boundary of the sites put forward for inclusion.</i></p> <ul style="list-style-type: none"> • Wish to promote Fairways as a housing site in order to meet perceived difficulties in delivering housing sites identified elsewhere. (69) • Promotion of Balloch Farm as effective and available land for housing and associated uses as an alternative to East Inverness. As detailed in the supporting Masterplan, the land at Balloch Farm can provide residential uses constituting 500 homes, community facilities, local shops and recreational space. The potential allocation of this land for future development also creates the opportunity to provide land for the expansion of, and improvements to, Culloden Academy and introduce public facilities and services that are not currently available in the local area. (98) • Site to north east of 'Lochloy' allocation – land on its own is not of a scale to be considered as a strategic release for the area in terms of the HwLDP however the site would help increase land supply, variety and choice within Nairn and allow for an extension of consented land at Lochloy. The site will be submitted for consideration in the Inner Moray Firth LDP. However if other strategic sites prove to be undeliverable would like the Council to consider it as an extension to Lochloy. (199) • Land to the South West of Jamestown, Strathpeffer should be allocated for housing. (372) • Owners of the land in Abriachan would like the settlement boundary to be re-aligned to include the 20 acre section to the north. This area is immediately adjacent to the settlement boundary and is a logical extension of the existing designated housing policy. There is an established need for additional housing in the Abriachan settlement and the inclusion/designation of this area would allow Highland Council to take a permissible approach towards the natural expansion of Abriachan without increasing the linear extent of the settlement boundaries. (415) • Seeks inclusion of site at Abriachan re-designated from amenity to housing. There is an established need for additional housing in the area and would allow natural expansion of the village. Estimate between 3-5 houses could be accommodated. This would also create jobs and can be accommodated without the need for upgrading of existing road services or infrastructure. (416, 517) • Request the inclusion of a housing allocation at Scaniport Estate, Former Caravan Site, Scaniport. The rationale is that; the site could be considered as 'brownfield', benefits from an existing access, some services remain in situ from its previous use and would integrate well with the landscape. (460) • Promotion of a site in Drumnadrochit for mix of uses including tourism, housing, community and commercial uses. Allowing for a more balanced spatial strategy as the development is currently concentrated to the A96 (501). 		

Other Issues

- The development potential of Leanachan Forest (as captured in WHILP) should be set out in the Plan. (190)
- Invergordon Community Council would like the area to the west of the town, known as Linear Park, to be retained as amenity land for use by the people of Invergordon and not be subject to any future development. It is currently an area of high quality and accessibility with wonderful views of the Cromarty Firth and Ben Wyvis. It enhances Invergordon as a pleasant place to live and work. (497)

Objections to allocations in the plan

- Too much emphasise on site allocations in the Plan which is supposed to be a strategic policy document. (98)
- Object to chapters 9, 10, 11, 12, 13, 14, 15, 16, and 17 as they contain land allocations. These should be left for area LDPs. Supplementary Guidance could be prepared instead if clarity is required. (229) (488)

Modifications sought by those submitting representations:

- Inclusion of land at Fairways for housing (69)
- Inclusion of land at Balloch Farm for housing (98)
- Inclusion of land at Abriachan for Housing. (415)
- The development potential of Leanachan Forest (as captured in WHILP) to be set out in the Plan. (190)
- Consideration of site North East of Nairn as an extension to Lochloy. (199)
- Change of use of site at Abriachan from amenity to housing. (416, 517)
- Inclusion of site at Scaniport Estate, former caravan site as housing allocation. (460)
- Inclusion of site at Kilmore, Drumnadrochit for mixed use including tourism, housing, community and commercial uses. (501)
- Remove Chapters 9, 10, 11, 12, 13, 14, 15, 16 & 17 in their entirety. Re-number Chapters 18 (and the Policies) onwards as required.
- Protection of Linear Park, to be retained as amenity land for use by the people of Invergordon

Summary of responses (including reasons) by planning authority:Inclusion of New Sites

- Although the sites mentioned present potential the council's position is that key allocations have been identified and that the potential of additional sites will be addressed through the area local development plans (including change of use of sites).

Inner Moray Firth Local Development Plan (IMFLDP)

- The Council has begun work on the first of its new style local development plan for the Inner Moray Firth. This Plan area covers from Tain round to Nairn, as far south as the Cairngorms National Park boundary and Fort Augustus, and as far west as Strathconon and Garve. The current Plan phase is a "Call for Sites". This is a call to communities, landowners, developers and agents to suggest sites for protection or development. The Council are seeking suggestions on which land, in the next 10 years, should be built on and which areas should be protected across the Inner Moray Firth. Those seeking allocations above are invited to write in with their suggestions by Friday 29th April 2011 using the guidance provided - Call For Sites.

Other Issues

- The council's view on the development potential of Leanachan Forest is set out in the West Highland and Islands Local Development Plan. As the councils view has not altered this will remain the council's position.
- Regarding the retention of Linear Park, Invergordon Community Council should write in as mentioned above to the IMFLDP to put forward the park for an area of protection.

Rationale for inclusion of allocations within the HWLDP

- The HWLDP covers both policies and allocations. Some of the representors request the removal of these allocations – the council's position is the HWLDP allocations will remain for the following reasons.
- The HWLDP addresses strategic sites, those with development pressure and where there is an identified need. As part of our strategic overview we have reaffirmed existing established land supply in Inverness. The A96 Corridor Framework gave a strategic overview looking at potential for development along the A96 corridor through non statutory supplementary guidance. The HWLDP gives the council a chance to add status to the framework and reassess it to produce an up-to-date council position on development along the A96. This is in line with the National Planning Framework 2 which identifies the A96 Corridor between Inverness and Nairn as an Area for Co-ordinated Action and the main focus for growth in the Inner Moray Firth.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:*Inclusion of new sites (69, 98, 199, 372, 415, 416, 460, 501, 517)*

1. I have already dealt with the proposed inclusions of sites at Fairways and Balloch under issue 85, where I found them appropriate for consideration during the preparation of the forthcoming Inner Moray Firth area local development plan. All the sites proposed in the representations lie within the Inner Moray Firth area, and so can be considered relatively quickly within this context.

2. The Highland-wide plan is more of a strategic level plan where specific sites have been included for special circumstances. The A96 corridor area will provide a statutory basis for development originally covered in the main by non-statutory supplementary guidance. Sites at Nigg and in Caithness are subject to development pressures for energy related development or tourism. They provide, in general, broad site allocations for mixed uses. It is the intention that details will be provided by the area local development plans.

3. I therefore agree with the Council that the sites proposed in the representations should be dealt with during the preparation of the area plans.

Other issues (190, 497)

4. With regard to Leanachan forest, I note this is included in the West Highlands and Islands local development plan. This was only recently adopted by the Council, and the relevant section will remain in force until the new area local plan is adopted. There is no need for any reference in the Highland-wide plan.

5. I agree with the Council that the Invergordon linear park should be dealt with as part of the proposals to be considered in the forthcoming Inner Moray Firth area local development plan. Again no further reference is required here.

Land allocations in the Highland-wide plan (229, 488)

6. I have explained above my understanding of why specific sites have been included in the Highland-wide plan. This is supported by the Council's explanations. The Council has decided on the general format of the plan, and this was agreed with the Scottish Government. I have not been provided with any justification for changing this.

Reporter's recommendations:

I recommend that no modifications be made.

Issue 89	East Inverness	
Development plan reference:	Chapter 11 – East Inverness (Pages 36 - 37)	Reporter: Trevor Croft
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>UBC Ltd (46) Scottish Natural Heritage (SNH) (118) Macdonald Hotels Ltd (138) Westhill Community Council (147) Mrs Annie Stewart (172) Scottish Wildlife Trust (285) Bowlts for Hector Munro (307) Scottish Environment Protection Agency (SEPA) (326) Mrs Pat Kennedy (367) John Cormack (375) Mrs M McAlister (378) Fraser Hutcheson (472)</p>		
Provision of the development plan to which the issue relates:	East Inverness	
Planning authority's summary of the representation(s):		
<p><u>Allocation of land</u></p> <ul style="list-style-type: none"> • Support the inclusion of lands at Milton of Culloden (south) for development during 2011-16. Suggest that the allocation is for mixed uses and would be more appropriate for residential. (46) • The identification of this land is a significant departure from the existing Local Plan and the Highland Council has given support in principle to development in advance of the results of the consultation process on the Highland wide Local Development Plan. (367, 147) • Land at East Inverness should be designated Open Space (147) • Lack of clarity over which Inverness East policies (10-12) cover their client's land. It appears none of them cover it or indeed the larger scale Phase 4 at Ashton Farm. (472) <p><u>Impact of Development</u></p> <ul style="list-style-type: none"> • Traffic congestion around the area and into Inverness will increase significantly as finance for infrastructure not in place (147); • Development would have an adverse impact on agricultural land. (147, 367) • Limited capacity in education provision (147) • Concerned about the effect such large-scale retail provision will have on Inverness city-centre. (147, 367) • Allocations in this area may lead to piecemeal development (147) • Adverse impact on amenity given the density of development, prolonged building works, extra demand on services, noise and disturbance, loss of light, flooding concerns, loss of privacy, drainage concerns, vehicular access, light intrusion, impact upon value of properties, and character of development. (367, 378) • This area adjoins Culloden which must remain an attractive area for tourists and more could be done to enhance tourism (172) • Delivery of jobs in the area will be temporary in nature and will be generally low paid. Job market in this sector is already finite (367) • Proposed building work will disturb the wildlife population (375, 378). <p><u>Infrastructure</u></p> <ul style="list-style-type: none"> • First Phases of development should not be progressed until necessary infrastructure in place. It 		

is crucial that such infrastructure is built before or at least during the phase 1 development period, not after (147)

- Clarity is sought over timescales for strategic road infrastructure and if it is necessary to complete this in its entirety from the B9006 to Stratton/A96 prior to commencement of development. (472)
- Policy 9 refers to the phasing of development in relation to developer contributions, whilst Policies 10/11 include lists of contributions to key transport infrastructure. However it is not clear how and when the infrastructure will be delivered, presumably by the Roads Authorities (472).
- Not clear how and when the infrastructure will be delivered, presumably by the Roads Authorities. Will these improvements be confirmed as strategic projects within the Inner Moray Firth LDP and Local Transport Strategy? Will these be forward funded by the Roads Authorities with developers making contributions in areas as and when houses and other developments are completed? (472)
- Concerns relating to the delivery of key transport infrastructure and the development of their client's land within the timescales proposed. Vital that the land is not land-locked or hindered by uncertainty over the timing of key transport infrastructure. (472)
- If Stratton Lodge is to be replaced by residential developments, the road infrastructure needs to be updated and the storm drain replaced (375).
- Where will the access roads be for all these new houses – referring to Milton of Culloden allocations (375)
- Concern about shared access in the form of septic tanks and access roads (375).

Reservation of land for road infrastructure

- Policies 10 and 11 only refer to the need to reserve land for the A9-A96 link, but this is not consistent with the provisions for Stratton in the Proposed Plan. A similar situation may occur with the Local Distributor Road. (472)
- If the entire link is required in advance of any development, or at least Phase 2, how the road through Ashton Farm will be delivered from 2016 onwards as it forms part of Phase 4 which is indicated as post 2031. Farming operations may continue post 2016 at Ashton Farm thus delaying the completion of the Strategic Link Road, delaying development of clients land (472, 138)
- the road through Ashton Farm considerably restricts the remaining development land available – the 2 roads at the north west of area 4 are close that they effectively sterilise the land to the west of each road (307)

Phasing

- This adjoining land is in a different ownership and is indicated as mixed uses for development as part of Phase 1 at Stratton [2011-2016]. Given:
 - narrowness of the existing access road from Barn Church Road
 - proximity to existing housing
 - proximity to trees

that the development of this land will depend upon access through the Macdonald open land, which is in Phase 2 [2016-2021]. This also has implications for access to Phase 2 land further to the north west at Milton of Culloden. Without such an arrangement and earlier development of the Macdonald open land we question how the Phase 1 land at Milton of Culloden can be developed. (138)

- Potential that if restricting development of this site to a later phases that this may have a detrimental impact on the listed building (138)
- Ashton Farm has been allocated as 'long term' within this area. No explanation is provided as to why the land further east of this (area 4) at Stratton and beyond would be developed before that at Ashton. (307)

Mapping

- East Inverness map should be made clearer by showing the allocations and phased sites are

included under Beechwood Campus, Inverness Retail and Business Park and Stratton Farm. (118)

- The mapping related to Ashton is unclear. (118)

Miscellaneous

- Respondents questions need for scale of development: (147, 172)
- Consistent approach is required to developer requirements related to the water environment (326)

Developer Requirements

- Green Networks and Open Space should be linked with Natural, Built and Cultural Heritage developer requirements to ensure developments are beneficial to people and wildlife. (285)

Modifications sought by those submitting representations:

Request for later phases of development on clients land should not be permitted until the A9-A96 link (or alternative) is brought forward in partnership with Transport Scotland. (472)

Ask if the development of client’s land requires to be accessed via the Local Distributor Road. (472)

Seek inclusion of land at Stratton Lodge in Phase 1. (138)

Bring forward allocation of housing land at Stratton Lodge Hotel (138)

Clarification on timescale for delivery of strategic infrastructure (147)

Land at Inverness East should be designated open space rather than allocated for development (147)

Clarification over which policies are relevant to allocation (472)

Clarification on timescale for local infrastructure (472)

Phasing of development at Milton of Culloden to be re-phased to make it easier to access. (138)

Clarification on reasons for phasing of East Inverness(307)

Clearer mapping (118)

Removal of allocation at Milton of Culloden (assumed) (378)

Summary of responses (including reasons) by planning authority:

Rational for Allocations

The National Planning Framework 2 (Para. 214, Page 85) identifies the A96 Corridor 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 East Inverness is therefore consistent with Scottish Government’s national spatial strategy for long term development to deliver increased sustainable economic growth. The site has genuine developer interest and landowner support. The allocation has previously been mooted for development in the adopted Inverness Local Plan, the A96 Growth Corridor Development Framework (Figure 4, Page 22) and the Highland wide Local Development Plan: Main Issues Report (Pages 16-18). As such it has undergone several rounds of public consultation.

Phasing

Justification for Phasing - The phasing of development has been led by the infrastructure needed to service the scale of development which is proposed to met the housing land

requirement. The allocations which have been included within Phase 1 (2011-2016) do not require significant improvements to strategic infrastructure. Phase 2 allocations onwards require improvements to strategic and local infrastructure including provision of the A9-A96 Trunk Link Road between Smithton Roundabout and Beechwood to ensure that the housing land requirement can be met.

Changes to/clarification of phasing – There are a number of suggested changes to the phasing of development including specifically related to the following areas

- Stratton Lodge (bring forward to Phase 1);

Changes to phasing for Stratton Lodge (currently Phase 3) are suggested as it does not require the provision of improved strategic infrastructure and it would facilitate the protection of a Listed Building. Development at Stratton Lodge would require upgrading of the access, this may however be achieved in conjunction with development at Stratton Farm. There may be potential to upgrade the existing access to Stratton Lodge to serve both this development and land at Milton of Culloden. This would facilitate the delivery of development within the later years of Phase 1. This would help avoid the further deterioration of the listed building. Further detail on this allocation (including developer requirements) will be brought forward through the Inner Moray Firth Local Development Plan.

- Milton of Culloden

The potential developer for Milton of Culloden (South) supports the inclusion of the allocation within Phase 1 and proposed to take access from Barn Church Road. Access could be taken from the south if the existing Barn Church Road is extended and significantly upgraded. However in terms of the scale of development it may be considered appropriate to take access from the proposed Stratton Farm development. A shared access with the adjacent allocation at Stratton Lodge may provide an alternative access solution. In order to deliver the access commencement of this site is likely to fall into phases 2/3. Both of these proposals require further consideration (including developer requirements) through the Inner Moray Firth Local Development Plan.

- Land at Resaurie

The respondent is concerned that their land allocated to the north of the railway line would not be able to be brought forward until the provision of the A96-A9 Trunk Link Road, seeks access to the proposed local distributor road for their development and seeks that their land will not become land locked. It is considered that by allowing development to take place within Phase 2 (2016-2021) the route and funding for the Local Distributor Road will have been decided and a programme of work implemented allowing the development of this land to take place. The concern is noted related to the possibility of this land becoming land locked, if a suitable access arrangement is not in place either via the Local Distributor Road or other local road infrastructure then this will be the case. Further detail on this allocation (including developer requirements and potential access) will be brought forward through the Inner Moray Firth Local Development Plan.

- Land at Ashton Farm

This land has been allocated for longer term development (post 2031) given the site is currently and for the foreseeable future in use for agricultural purposes. During this time elements of the land may be required for the development of Strategic infrastructure. Where this is the case the agency proposing the infrastructure will enter negotiations with the land owner to secure suitable land take. Further detail on this allocation (including developer requirements) will be brought forward through the Inner Moray Firth Local Development Plan.

- All other sites

The other sites in the East Inverness area are covered by other policies of the Highland wide Local Development Plan and issues regarding phasing will be dealt with in the Schedule 4's for those

policies (Issues 10, 11, 12).

Change in Allocation

The prospective developer of the land at Milton of Culloden (South) has suggested the land be allocated as “residential” rather than “mixed use”. The land has been allocated as mixed use in order to provide flexibility to the market and while it is considered that the allocation should be largely residential some small scale, local community facilities may also be suitable on this allocation. Further detail on this allocation (including mix of uses) will be brought forward through the Inner Moray Firth Local Development Plan.

Infrastructure (local/strategic roads)

- *Close proximity of roads potentially leading to land sterilisation at Ashton Farm* - Transport, Environment and Community Services have indicated the need for a north/south local distributor road in this area. The A9-A96 Trunk Link Road is a project which has been brought forward through the Strategic Transport Projects Review (Page 108-109) and is considered of national importance. While these have been indicated on Map 6 of the Highland wide Local Development Plan their location is indicative and are subject to detailed consideration by Transport Scotland and The Highland Council as per the information presented on Map 6.
- *Phasing of Road Infrastructure* - The four phases indicated for the development of East Inverness are related to the development of the uses on the site only, and development of infrastructure on these sites (i.e. strategic or local road improvements) could be brought forward prior to this phasing. The phasing of this infrastructure is outlined below:
 - A96-A9 Trunk Link Road (Strategic) – Post 2016;
 - East-West Local Distributor Road – Post 2016;
 - North South Local Distributor Road – Post 2016.
- *Delivery of Infrastructure* – The A96-A9 Trunk Link Road is included in the Strategic Transport Projects Review (Page 108-109) and as such funding will be delivered primarily from Transport Scotland. With regard to the delivery of the Local Distributor Roads these will be delivered through a combination of funding through the Council’s Capital Programme and through developer contributions. The detail on the level of contributions will be set out in the form of a revised developer contributions protocol for the A96 Corridor and set out in Supplementary Guidance.
- *Capacity of infrastructure* – The Council have undertaken traffic modelling of the A96 Corridor area to inform the Highland wide Local Development Plan, in partnership with Transport Scotland. This has demonstrated at what stage infrastructure improvements will be required. This has been used to determine the phasing of development in the area.

Infrastructure (Education)

The Council have undertaken a review the capacity of the school provision in the area to determine if/when new education provision will be required. In doing so the Council have included developer requirements in Policy 11 – Stratton Farm related to education provision. For other allocations the requirement for contribution towards education provision will be set out in the Inner Moray Firth Local Development Plan and assessed inline with the Education and New Residential Developments: Supplementary Guidance.

Infrastructure (General)

It has been suggested that all infrastructure is in place during phase 1 of a development if not prior. While this would be ideal, it is not considered that this would be viable given the current economic climate. In addition, existing capacity in the infrastructure networks can be utilised prior to further/improved infrastructure being required, modelling of existing networks, proposed development and potential interventions has been undertaken to inform phasing of development.

Concern has been raised over the sharing of septic tanks as a waste water Drainage Solution. All development on land allocated in the Highland wide Local Development Plan will be required to connect to the public waste water network. This is included as developer requirements where necessary and it is also covered by Policy 66 – Waste Water Treatment of the Highland wide Local Development Plan.

Open Space (East Inverness/Allocated)

A respondent has suggested that the land at Inverness East should be designated open space rather than developed. If this was carried out the Council may not have sufficient land allocated to meet the housing requirement of the area. In addition the recent [Highland Green Space Audit](#) has identified that Inverness has sufficient provision of open space much higher than the 40m² required by Highland Council policy. In addition any new development in this area will be required to make an active contribution to the green network of the area, including provision of new formal open space in line with the Open Space in New Residential Development: Interim Supplementary Guidance (Section 2).

Developer requirements

Water Environment - It has been suggested consistency of approach is needed to developer contributions for the water environment. The allocation's developer requirements already include protection of natural watercourses, avoidance of the floodplain and the need for a sustainable drainage plan. In addition, the Plan's general Policy 65 Flood Risk, sets out further policy coverage. It includes the requirement for a Scottish Planning Policy (SPP) (Paragraphs 196-207) compliant flood risk assessment (FRA) for developments within any 1 in 200 year flood risk area. Therefore, the Council would assert that the Plan is sufficient in this regard.

Green Networks, Open Space, Natural, Built and Cultural Heritage - The Council's Green Networks: Draft Supplementary Guidance (Page 4) provides a full explanation of the natural heritage and recreational benefits of green networks. Also, the justification text (para. 23.1.2) for the Plan's general Policy 75 states these common benefits. It is not necessary to duplicate this cross-issue justification for every allocation.

Agricultural Land

In terms of the loss of agricultural land, the approach taken by the Council in preparing the Highland wide Local Development Plan reflects that outlined in the consolidated Scottish Planning Policy (Para. 97) document. This states that development on prime agricultural land will be acceptable where it is an essential component of the settlement strategy. It is an essential component of the A96 Corridor Growth Strategy and required to meet the housing demand within the Inner Moray Firth area. Inverness East is fundamental to the strategy allowing a greater choice, location and type of housing in Inverness and the surrounding area, helping to significantly reduce development pressures on other areas. There is not enough brownfield land to develop for the housing needs that are required, and therefore it is inevitable that Greenfield sites will be used.

Retail Impact

Any retail development in this area will be required to follow the sequential approach as outlined in Scottish Planning Policy (Para 62-65). Planning applications for all major retail development will be required to submit a Retail Impact Assessment to adequately demonstrate that there would be no net detrimental impact on the City Centre and other retail centres within the potential catchment area of any new retail development.

Affect on Amenity

All planning applications will be assessed against their impact on amenity including privacy, light, noise. Where the Planning Authority have concerns related to this they may consult Environmental Health to discuss potential mitigation and/or suitable construction methods for the development to avoid adverse affects on amenity.

Affect on Wildlife Population

The Highland wide Local Development Plan has been subject to Strategic Environmental Assessment which has helped to inform the developer requirements for this allocation, including those related to the natural environment and wildlife interests. The plan is subject to Habitats Regulations Appraisal which will also set out any revised wording to take account of the affect of the allocation on designated areas. In addition the plan must be read as a whole and this would mean any proposal on this site should also meet the requirements of Policy 59 – Protected Species, Policy 60 – Other Important Species and Policy 61 – Other Important Habitats. Therefore it is considered that the plan sufficiently addresses the issue of wildlife population.

Mapping

The mapping for this area is consistent with other mapping in the document. To ensure this is easy to read and reference changes could be made to the design of the mapping and cross references included to appropriate policies.

Extant Planning Permission for land at Inverness East

Respondents have raised the issue that a large proportion of the land allocated for development at East Inverness has been determined premature of the development plan. The minute of The Highland Council meeting of 15th September 2010 (Item 2), where planning permission was granted subject to Section 75 agreement (09/00141/OUTIN) states the following justification for granting of planning permission premature to the adoption of the Highland wide Local Development Plan and contrary to the adopted development plan. :

“while the development had been assessed as being inconsistent with the policies of the existing Inverness Local Plan, there were material considerations which justified a departure from that policy document. The existing Inverness Local Plan acknowledged that approximately 25% of the site was allocated for business and industry development, which indicated an element of existing policy support for the development of the site. Key elements of existing policy provisions were being updated by the HwLDP, which also took into consideration the A96 Growth Corridor Development Framework. In accordance with the provisions of the HwLDP, the development of this area up to 2016 (phase 1) would require consideration of a range of issues including: transport, waste, green networks and open space, natural, cultural and built heritage, design, education and housing.”

Any further plan changes commended by the planning authority:

Minor phasing amendments to be shown on Map 6 in respect of land at Milton of Culloden and Stratton Lodge.

Reporter’s conclusions:*Land allocation (46, 147, 367, 472)*

1. The land allocations at East Inverness are set out in the A96 growth corridor development framework. As explained under Issue 9 this is now well established development policy, being adopted as non-statutory supplementary guidance by the Council, and later incorporated within National Planning Policy Framework 2. I have no difficulty therefore in accepting the land allocations as a long term policy commitment, which has been considered carefully over time by the Council.

2. I accept that not everyone agrees with the policy, and considers it allocates too much land for development, especially in a time of economic downturn. However, as discussed under Issues 85 and 86, I have found the population and housing land supply figures on which it is based to have a sound foundation, within the constraints of current Government policy and guidance. No evidence has been provided to persuade me that this overall strategy should be changed.

Impact (147, 172, 367, 375, 378)

3. There will inevitably be impacts from the level of development proposed. Measures are in place, either through individual policies in relation to specific parts of the proposals, or in plan wide policies to consider specific subject areas, such as the natural environment, transport, education, or retail development. These provide for suitable mitigation to allow development to take place. Additionally all proposals are subject to the Habitats Regulations Appraisal with regard to European designated sites, of which there are some close to the area. I am satisfied therefore that specific measures are in place to provide mitigation, or to ensure it is considered at an appropriate time as individual proposals come forward. It is not the task of this plan to consider the amenity of individual residences. These would be more appropriately considered, depending on circumstances, in area local development plans or when planning applications are being considered.

Infrastructure (147, 375, 472)

4. There are a number of new roads proposed for the area, and other issues such as flooding, drainage, education and transport have been raised. Map 6 is a broad framework map setting out the general land use allocations and overall phasing. The map does not provide significant detail, and this is left to the forthcoming Inner Moray Firth local development plan to consider. I believe this to be the correct approach, given the Council's decision to proceed with a Highland-wide plan at an overall strategy level. Within this the East Inverness section of the plan provides a basic framework for the subsequent more detailed sections on specific areas of development. No modification is needed.

Reservations for roads (138, 307, 472)

5. Although valid questions are raised, as discussed above, this is a broad strategy document, which provides indicative lines for roads. The details of these will be considered in the forthcoming Inner Moray Firth local development plan. No modification is needed.

Phasing (138, 307)

6. The Council has appreciated that the broad phasing outlined in the plan could have some potential problems in relation to specific areas of development. However this is detail that will be considered as part of the forthcoming Inner Moray Firth local development plan, rather than at the more strategic level of the Highland-wide plan. Any potential problems should be considered and resolved through the preparation of that plan.

Mapping (118)

7. The Council has accepted that Map 6 could be improved, and also notes some specific amendments that are needed. I accept this view.

Miscellaneous (147, 172, 326)

8. I have already referred to the scale of development in terms of the proposals complying with the A96 corridor framework. Developer requirements are set out under the policies for specific development areas, and need not be considered further here.

Developer requirements (285)

9. These are considered under policies for individual development areas, and in general under issue 32. As the council points out, specific matters relating to flooding and green networks are covered under issues 65 and 75. No further reference is needed here.

Reporter's recommendations:

I recommend the following modification:

1. Improve the clarity of Map 6 and provide cross-references to individual policies. Amend phasing in respect of land at Milton of Culloden and Stratton Lodge as commended by the Council.

Issue 90	Appendices and Proposals Map	
Development plan reference:	Appendices 6.1 to 6.4 (Chapters 24 – 27, pages 128 – 160) and Proposals Map	Reporter: Iain Lumsden
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coriolis Energy LLP (1) Health and Safety Executive (HSE) (53) Scottish Natural Heritage (SNH), (118) Highlands and Islands Green Party (HIGP) (168, 533) Strutt & Parker LLP for Balnagown Castle Properties Ltd (229) Turley Associates for Sainsbury’s Supermarket’s Ltd (267) Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268) Homes for Scotland (293)</p>	<p>CASA Planning and Environment Ltd for Cube Engineering (449) Jones Lang Lasalle for Spittal Hill Windfarms Ltd (450) Jones Lang LaSalle for PI Renewables (454) Biggart Baillie for Nanclach Ltd (457) Jones Lang LaSalle on behalf of Wind Energy (Glenmorrie) Ltd (462) Strutt and Parker for AWG Laing (480) Strutt & Parker LLP for General & Mrs Balfour (481)</p>	
Provision of the development plan to which the issue relates:	Appendices 6.1, 6.2, 6.3, 6.4 Proposals Map Policy 58 Natural, Built and Cultural Heritage and supporting text (para 21.2 – 21.2.2) (pages 103-105)	
Planning authority’s summary of the representation(s):		
<p><u>Appendix 6.1: Glossary – the following changes should be made to the glossary:</u></p> <ul style="list-style-type: none"> • The definition for Appropriate Assessment should be amended to read, “An assessment required under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) where a plan or project not directly connected with or necessary to the management of a European site would be likely to have a significant effect on such a site, either alone or in combination with other plans or projects. In the light of the conservation objectives of the site, the assessment should consider whether there would be any adverse effect on the integrity of the site as a result of the plan or project.” (118) • Definition for green networks is incomplete when compared with that included in the Green Networks SG. It should be augmented with, “A green network can be made up of – <ul style="list-style-type: none"> • Woodlands • Other natural and semi-natural habitats • Watercourses and wetlands • Formal and informal greenspace in and around settlements, and • Active travel routes” (118) • Definition for infrastructure should include green infrastructure e.g. landscaping, green networks, open space, paths. (118) • It may be clearer to use terms included in the explanation in Appendix 6.2 when defining Wild Land. Definition should be amended to read, “Wildness: a quality that can be experienced where there is a high degree of naturalness and lack of modern structures or land use, where an area is remote and access to it is physically challenging, where there is a perceived sense of sanctuary or solitude, and where the landscape offers a sense of awe/ anxiety and arresting qualities. Wild Area: a term used to describe an area of wildness qualities that may occur along a wide spectrum, from places fairly near to settlement but within which there are qualities of remoteness and naturalness, to more remote mountain and moorland interiors. Wild Land: those areas where wildness qualities are best expressed, defined by the Scottish Government as ‘uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.” (118) • Glossary should include definitions of Network of Centres, Commercial Centres and sequential approach. (267) 		

Appendix 6.2

- SPA should refer to the most up to date legislation and should be amended to read, “Classified by Scottish Ministers under either the EC Wild Birds Directive (79/409/EC) or the European Birds Directive (2009/147/EC), which provides for” (118)
- Ramsar Sites should not include reference to Structure Plan Policies in Policy Framework. (118)
- NNR should be amended to reflect the new wording of Scottish Planning Policy (SPP): “These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected”. (118)
- SSSIs should be amended to reflect the new wording of SPP: “These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected”. (118)
- NSAs should be amended to reflect the new wording of SPP: “These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected”. (118)
- NSA: Include reference to NSA Special Qualities report, “<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/nationaldesignations/nsa/special-qualities/> (118)
- There are no entries for battlefields or designated wrecks. (118)
- Special Landscape Areas - Link should be added to Special landscape areas citations (118)
- Wild Areas second paragraph requires amending to clarify the role of SNH at a national level and Highland Council’s Contribution to this. Repword this paragraph to, “As part of a national programme, SNH will map wildness qualities across Scotland and will identify areas of Wild Land at a national level (in consultation with Highland Council and other Councils). Highland Council, with the assistance of SNH, will then identify wild areas of local/ regional importance to reflect the quality and value of wild areas at a local/ regional level.” (118)
- Sites of Local Nature Conservation Interest should be amended to Local Nature Conservation Sites. (118)
- Development Plans should provide clear guidance on what will or will not be permitted and where. SPP notes that this should be very clear from the proposals map. This policy requirement of SPP sits uncomfortably with the statement in Appendix 6.2 in that there may be features listed within Appendix 6.2 which have not yet been mapped but will still be subject to protection under policy. It is inappropriate for certain features to be protected via policy when such features are not mapped. It is recognised that it would however be difficult to map certain features such as category C and B listed buildings. (268, 454)
- As the assessment of Special Landscape Areas (SLAs) is of a very limited scope, using it to assess the impact of developments on a SLA is not an appropriate use of the document. The wording of the middle column of the first row of the table should be changed so that the role of the Assessment of Highland Special Landscape Area Citations (AHSLA) is clear to readers of the plan. (480, 481)
- The title of Special Landscape Area should be changed to Local Landscape Area to reflect the guidance in SPP. (480, 481)

Appendix 6.3

- There is a large amount of policy information contained within Supplementary Guidance that is out of date and cannot be relied on. Furthermore, the Local Development Plan does not give consistent policy direction. Two examples of the disconnect between existing Supplementary Guidance and this Proposed Plan can be seen from the Councils Open Space Supplementary Guidance as well as the Education Supplementary Guidance, which states that further updates will be provided in the Local Development Plan (LDP). This information does not appear to have come forward through this Proposed Plan.
- There must be appropriate connection between Supplementary Guidance and the LDP. Circular 1/2010 paragraph 94 states that Supplementary Guidance (SG) should: Cover topics specifically identified in the local development plan (LDP) as being topics for Supplementary Guidance. Be limited to the provision of further information or detail in respect of policies or proposals set out in the LDP.
- Homes for Scotland agree that it is the intention of Scottish Ministers to put much of the detail in the Supplementary Guidance, allowing the plans themselves to focus on vision, the spatial

strategy, overarching and other key policies and proposals. However, it is critical that the main principles are established in the LDP and SG is used for further information or detail in respect of policies set out in the LDP. As it stands The Highland Wide Local Development Plan - Proposed Plan, does not achieve the correct balance. (293)

- Key pieces of Supplementary Guidance should be included in the Accompanying Documents List in paragraph 1.1, specifically Onshore Wind Energy Supplementary Guidance and Assessment and Landscape Sensitivity to Wind Turbine Development in the Highlands. Omissions from this list should be clearly identified and their location and status cross-referenced. (449)
- The Assessment and Landscape Sensitivity to Wind Turbine Development in the Highlands should be added to the list of Supplementary Guidance in appendix 6.3. (449)
- Welcome the Council's plan to update and make statutory all guidance associated with the HwLDP. This is fundamental to the sustainability agenda. The provision for Homezones and effective sustainable housing design guidance are particularly essential in this context (168, 533)

Appendix 6.4

- Link to Birds of Conservation Concern should be amended to, <http://www.bto.org/bbs/2009/bocc3.pdf> (118)
- Add link to Guidance of Significance of the impacts on Birds outwith Designated areas, <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshorewind/> (118)
- Add link to Control of Woodland Policy, [www.forestry.gov.uk/pdf/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf). (118)
- Amend link for Scottish Biodiversity list, <http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist> (118)

Proposals Map

- Include in notes on proposals map that up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's website. <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-areas/> (118)
- Make clear that where more than one natural, built or cultural heritage feature occurs for an area, only the topmost tier feature will be indicated on this map. Therefore other features may nest underneath this, which should also be taken into account. (118)
- It isn't possible to see the SAC rivers or some of the smaller SSSIs (e.g. the fossil quarries in Caithness) due to the low resolution of the map. A note should be added to this effect, directing users of the paper version to SNH's website for more detailed maps (see above). If the Proposals Map is also to be an e-map that can be enlarged online, we recommend that it should be possible to increase the resolution so that users can zoom in and see these small/thin sites. Also the line that shows the coast is too thick and obscures some of the coastal strip SSSIs. Therefore we recommend that the coastal line be thinner so these SSSIs are visible. (118)
- All of the inset maps and maps of settlements should show background features to make the plan more spatial. (118)
- The proposals map falls significantly short of identifying individual features other than providing broad zoning on the basis of where features of international, national and local/regional importance may lie. Clarification should be provided within the Plan that the proposals map represents a very high level illustration of where such features may lie and that it will be treated accordingly in decision making. It is too broad brush to guide investment and development decisions. (268, 454)
- To include Tree Preservation Orders (TPO) under features of national importance is inappropriate as it is confirmed under Council powers and should be of local/regional importance. All of the other features are either confirmed or designated by a national body. (268)
- Clear and precise mapping should be available at a scale which enables readers to accurately identify the boundaries of all proposed land allocations and designations so the Plan can be effectively implemented and appropriately used. (480, 481)
- The proposals map contradicts the spatial strategy maps particularly the Inner Moray Firth

spatial strategy map (figure 3) which indicates a proposed waste facility at Invergordon however it is not identified on the Proposals Map as a “New Waste Management Site”. (229)

- Object to the key shown on the Proposals Map. It would appear to be policy 58 not policy 59 that relates to areas of international, national and local/regional importance. Policy 71 should be shown on the key relating to waste management. (229)
- It is difficult to distinguish between local and regional features and the spatial policy feature “wider countryside” due to the scale of the map. The determination of a development proposal within or close to Local and Regional Important features should be based on the effect that the development will have on the individual features as set out within 21.1.2 instead of the proposal’s policy feature as detailed by the Proposals Map. (1)
- Within certain areas it is not clear what criteria is present on site to merit Local and Regional Importance. It may be the case that these areas have been defined on the basis of other map based information held by the Council and if this is the case the ‘Background Maps’ need to be made available within the final LDP. (1)
- Major hazards and pipelines should be identified on maps accompanying the plan. (53)
- The policy requirement of SPP paragraphs 14-17 is inconsistent with the statement in appendix 6.2 and paragraph 21.1.10 in that there may be features listed which have not yet been mapped but still be subject to protection under policy; this is inappropriate. The proposals map falls significantly short of identifying individual features. (462, 450, 457)

Modifications sought by those submitting representations:

Appendix 6.1: Glossary

- Amend the definition of appropriate assessment. (118)
- Augment definition of green networks. (118)
- Definition for infrastructure should include green infrastructure. (118)
- Amend Wild Land definition. (118)
- Include definitions of Network of Centres, Commercial Centres and sequential approach. (267)

Appendix 6.2

- Text amended to reflect up to date legislation. (118)
- Ramsar sites: remove reference to Structure Plan policies in the policy framework. (118)
- NNR background text to be amended. (118)
- SSSI background text to be amended. (118)
- NSA background text to be amended. (118)
- Include reference to NSA Special Qualities report. (118)
- Include entries for battlefields and designated wrecks. (118)
- Add link to Special Landscape Areas citations. (118)
- Reword paragraph 2 of the wild areas background text. (118)
- Sites of Local Nature Conservation Interest should be amended to Local Nature Conservation Sites. (118)
- All features that are sought to be protected under policy 58 should be mapped. (268) (454)
- TPOs should be listed as a regional/local feature. (268)
- The wording of the middle column of the first row of the table should be changed so that the role of the Assessment of Highland Special Landscape Area Citations (AHSLA) is clear to readers of the plan. (480, 481)
- The title of Special Landscape Area should be changed to Local Landscape Area to reflect the guidance in SPP. (480, 481)

Appendix 6.3

- The key policy guidance contained in the following Supplementary Guidance must be included within the Local Development Plan: Affordable Housing; Education and New Residential Development; Open Space in New Residential Development; A96 Corridor Developer Contributions; Developer Contributions; and Residential Layout and Design (293)
- Key pieces of supplementary guidance should be listed in paragraph 1.1 (449)
- Assessment of Landscape Sensitivity to Wind Turbine Development in the Highlands should be

added to the list in appendix 6.3. (449)

Appendix 6.4

- Link to Birds of Conservation Concern should be amended to, <http://www.bto.org/bbs/2009/bocc3.pdf> (118)
- Add link to Guidance of Significance of the impacts on Birds outwith Designated areas, <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshorewind/> (118)
- Add link to Control of Woodland Policy, [www.forestry.gov.uk/pdf/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf) (118)
- Amend link for Scottish Biodiversity list, <http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist> (118)

Proposals Map

- Include in notes on proposals map that up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's website. <http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-areas/> (118)
- Make clear that only the topmost tier feature will be indicated on this map. (118)
- A note should be added directing users of the paper map to the SNH website for more detailed maps. If the Proposals map is to be an e-map it should be increased in resolution. Coastal line should be thinner. (118)
- Inset maps and settlement maps should show background features. (118)
- Clarification should be provided within the Plan that the proposals map represents a very high level illustration of where such features may lie and that it will be treated accordingly in decision making. It should be indicated whether this will be taken forward through SG or whether more detailed LDPs will seek to provide more detailed mapping. It should be made clear where more detailed information can be found. (268, 454)
- Clear and precise mapping should be available. (480, 481)
- Ensure Proposals Map does not contradict Spatial Strategy maps. (229)
- Policy 59 should be amended to read Policy 58. (229)
- Policy 71 should be shown on the key relating to waste management. (229)
- Needs to be clearer differentiation on the map between local and regional features and the spatial policy feature "wider countryside". (1)
- Background maps for individual features as mentioned in para 21.1.9 to be made available. (1)
- Major hazards and pipelines should be identified on maps accompanying the plan. (53)

Summary of responses (including reasons) by planning authority:

Appendix 6.1: Glossary

- The Council would support any Reporter recommended change to amend the definition for Appropriate Assessment.
- The Council would support any Reporter recommended change to augment the green networks definition.
- The Council would support any Reporter recommended change to amend the definition of "infrastructure" in the glossary to include "green infrastructure, e.g. landscaping, green networks, open spaces, paths.
- Whilst the extra definitions in the glossary for wildness, wild area and wild area will add to the overall length of the document, the Council recognises that it would provide a clearer explanation of terms used. Therefore the Council would support any Reporter recommended change to amend the glossary to include wildness, wild area and wild area, using the definitions provide by SNH.
- The Council would support any Reporter recommended change to include definitions for network of centres, commercial centres and sequential approach in the glossary.

Appendix 6.2

- The Council would support any Reporter recommended change to amend the Special Protection Area (SPA) background text to refer to the most up to date legislation.

- The Council accepts that mentioning Structure Plan Policies in the policy framework for Ramsar Sites is erroneous.
- The Council would support any Reporter recommended change to amend the background text of National Nature Reserves (NNR) to reflect the new wording of SPP.
- The Council would support any Reporter recommended change to amend the background text of Sites of Special Scientific Interest (SSSIs) to reflect the new wording of SPP.
- The Council would support any Reporter recommended change to amend the background text of National Scenic Areas (NSA) to reflect the new wording of SPP.
- The Council would support any Reporter recommended change to include reference to the NSA Special Qualities Report in the background text of NSAs.
- Battlefields and designated wrecks are included in the supporting text of policy 58 at paragraph 21.1.3. At the time of writing the proposed plan Historic Scotland had not yet consulted on Battlefields. This consultation has now happened and they are to be known as Historic Battlefields. The Council accepts that it was erroneous to not include entries for them in appendix 6.2 and have the background text added once it was available.
- The Council recognises that adding a link to the SLA citations to the background text would provide further information for the reader. Therefore if the Reporter sees fit, the Council would support this addition to the background text.
- The Council does not accept that the second paragraph of the background to wild areas needs amending. The amended wording suggested by SNH implies that the Council has accepted that it will be a designation that will be split between national and local/regional. At this stage there is no commitment to a wild land national designation, and the SPP (2010) does not identify the significance/importance it attributes to wild land. Therefore the Council will not commit to accepting it as a national feature. It should be noted that as per 21.1.2 of the plan, locally and regionally important features can be features identified by national organisations.
- Mapping of features – due to the size of the area that the plan covers it is difficult to provide detailed mapping. However anyone who wants to see any features in more detail can request this from the Planning and Development Service. The SPP states, “Development plans should provide clear guidance on what will or will not be permitted and where. This should be very clear from the proposals map. Only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan. Plans should therefore provide opportunity and stability.” Whilst the Council has endeavoured to provide mapping where possible, where it cannot there is nevertheless “clear guidance on what will or will not be permitted and where.”
- Assessment of SLAs - The Council and SNH feel that the scope of the assessment is appropriate because we are confident in the methodology used to define the proposed AGLV's for the Structure Plan 2001. This enables us to focus resources on ensuring the special qualities of these areas and their sensitivities are well recognised and comprehended and appropriately protected/enhanced. The background to this work is explained in more detail in the schedule 4 for Policy 58 Natural, Built and Cultural Heritage. A link to the assessment itself will be added to make it clearer. Also the second sentence will be amended to, “With reference to the Assessment of Highland Special Landscape Areas the council will consider the potential impacts of development proposals on the integrity of SLA's, including impacts on the wider setting.”
- Change name of SLA to Local Landscape Area – Local Landscape Areas are mentioned in the SPP as the type of feature rather than a suggested name. Unfortunately Local Authorities do not have the same names for these areas. The Guidance on Local Landscape designations recognised this and strongly encourages local authorities to call them Special Landscape Areas so that there could be a common name.

Appendix 6.3

- The Council is of the view that there are sufficient “hooks” within the Local Development Plan for the Supplementary Guidance which it intends to prepare. [Paragraph 96 of the Circular 1/2009](#) states that there is a requirement for an appropriate context within the Local Development Plan, and gives examples of where Supplementary Guidance is appropriate:
 - Detailed policies where the main principles are already established
 - Allocations of small areas of land or local policy designations that do not impact on the spatial strategy of the wider plan area

- Development briefs and masterplans
- Exact levels of developer contributions or methodologies for their calculation
- Forestry and woodland strategies
- Aquaculture framework documents
- Paragraph 98 of the Circular recognises that supplementary guidance may be prepared and adopted alongside the LDP, or subsequently. This is the model that the Council has been following.
- The Council is committed to having a full suite of Supplementary Guidance in place at the time the Local Development Plan is adopted. We have commenced work on the majority of the new Supplementary Guidance documents referred to in the Local Development Plan, and have a timetable for the preparation of the remaining ones (as set out in our [Development Plan Scheme](#)). We are reviewing the rest of our currently adopted [Supplementary Guidance](#) documents to determine whether any further changes are required in the context of the Examination. Any changes to these documents will be widely publicised.
- It is not appropriate to start listing all of the supplementary guidance in paragraph 1.1 as it is already listed in appendix 6.3. If the Reporter sees fits an additional bullet point could be added to the list at paragraph 1.1 making the reader aware of the list of supplementary guidance at appendix 6.3.
- The Assessment of Landscape Sensitivity to Wind Turbine Development in the Highlands is a background document to the Onshore Wind Energy Supplementary Guidance and therefore should not be listed as a piece of supplementary guidance in appendix 6.3.

Appendix 6.4

- The Council would support any Reporter recommended change to update the link to Birds of Conservation Concern on the Red and Amber Lists (page 158).
- This appendix provides details of all of the links to associated documents within the Plan. There is no link within the plan to Guidance of Significance of the Impacts on Birds outwith Designated Areas. Therefore the Council does not accept that details of this link should be added to this appendix.
- The supporting text to Policy 53 mentions the Scottish Government document: Control of Woodland Removal Policy. It would seem sensible to include a hyperlink in Policy 53 to this document to enable ease of reference for the reader. A consequential change would be required to appendix 6.4 to include details of the link to this document.
- The Council would support any Reporter recommended change to amend the link for the Scottish Biodiversity List.

Proposals Map

- If the Reporter sees fit the Council would support adding the following to the supporting text of Policy 58: "Up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's website: <http://www.snh.gov.uk/planning-and-development/advice-for-planners-anddevelopers/protected-areas/>
- The Council appreciates that due to the size of the area and the way features are layered on the proposals map, only the most important feature for an area is shown on the Proposals Map and other features may exist beneath. If the Reporter sees fits the Council would accept additional wording in the supporting text of policy 58 that made clear that where more than one natural, built or cultural heritage features occurs for an area, only the topmost tier feature will be indicated on the map and therefore other features may nest underneath which should also be taken into account.
- As mentioned above the Council will support any Reporter recommended change to include a link to SNH's website where readers of the Plan can access maps. The Plan once adopted will be available as an On Line Development Plan (OLDP) and through this readers will be able to zoom in and look at different layers.
- As already mentioned the OLDP will enable readers to see all the background features for an area.
- It is accepted that due to the size of Highland the Proposals Map does not provide detailed mapping of features. However the Council does not accept that this should affect decision making. The features as shown on the Proposals Map compliment Policy 58 and the text in

appendix 6.2. It is clearly stated in Policy 58 that all development proposals will be assessed in the context of the policy framework at appendix 6.2. The OLDP will allow readers to “drill” into the Proposals Map to look at individual features.

- Tree Preservation Orders (TPOs) currently sit as a feature of national importance and the Council believes it should remain there. The policy approach set out in policy 58 and supported by appendix 6.2 was established during the [Wester Ross Local Plan](#) and has subsequently been used in the Sutherland Local Plan and the West Highland and Islands Local Plan. All three of these plans have included TPOs as a feature of national importance. The [Trees, Woodlands and Development \(Draft\) Supplementary Guidance](#) supports this approach. TPOs may be confirmed by the Council however this power is given to the Council via legislation.
- All allocations in the plan have maps accompanying them which clearly show their boundaries.
- The waste facility shown at Invergordon on the Inner Moray Firth spatial strategy map (figure 3) should be removed as it does not accord with the list in policy 71 waste management facilities.
- We acknowledge that due to the scale of the map there can sometimes be difficulties in distinguishing between the local/regional features and the wider countryside feature. It should however be remembered that there are local plans which show these features in much greater detail. Determination of any development proposal will be based on Policy 58 in conjunction with the Proposals Map and the policy framework in appendix 6.2.
- It was erroneous to mention Background Maps in paragraph 21.1.9; it would be impractical at the Highland scale to provide paper maps of each feature. The OLDP will enable readers to look at the Proposals Map in greater detail.
- Where practical, physical constraints will be mapped in the Physical Constraints Supplementary Guidance
- The vast majority of the features listed in policy 58 are mapped. In the case of wild land, mapping for this feature is not yet available but will be in the life time of the Highland wide Local Development Plan. There is a clear policy given in Appendix 6.2 as to how the Council expects this issue to be dealt with in the meantime. There is also a hook for the Supplementary Guidance which will be prepared and consulted on in due course. For locally important croft land there is no comprehensive map base for the Council to use but policy 48 makes the way we intend to safeguard croft land clear. Likewise although all amenity trees are not mapped the Supplementary Guidance for Trees, Woodland and Development makes the Council’s position clear. There is a clear policy given in Appendix 6.2 as to how the Council expects this issue to be dealt with in the meantime. Policy 58 clearly states that the policy must be read in conjunction with the policy framework at appendix 6.2 and the Proposals Map.

Any further plan changes commended by the planning authority:

- The Council suggests that the simplest way for the Reporter to remedy the Council’s error in the policy framework for Ramsar Sites is to delete the mention of Structure Plan Policies.
- The Council suggests that the simplest way for the Reporter to remedy the Council’s error of not including battlefields or designated wrecks is to include entries for them in appendix 6.2. Following the Historic Scotland consultation, battlefields is to be called Historic Battlefields.
- The Council suggests that the simplest way for the Reporter to remedy the Council’s error of having Sites of Local Nature Conservation Interest as an entry would be to replace it with Local Nature Conservation Sites to reflect policy 58.
- The Council suggests that the simplest way for the Reporter to remedy the Council’s error of policy numbering on the Proposals Map is to change Policy 59 to Policy 58 and change Policy 72 and 73 to Policy 71 and 72.
- The Council commends to the Reporter that Appendix 6.3 Supplementary Guidance is not attached to the paper copy of the Plan but is available electronically. This will enable it to be updated.
- The final paragraph in section 26 (page 147) is erroneous and the Council commends to the Reporter that it be deleted.

Reporter's conclusions:**Appendix 6.1 Glossary**

1. SNH (118) submits that a number of the definitions in the Appendix 6.1 in plan require to be modified. These relate to the terms: Appropriate Assessments; green networks; infrastructure; and wild land. The Council acknowledges that the suggested changes should be made. As the corrections deal with factual errors or update the position, I consider that it is necessary and appropriate to modify the plan in line with the suggestions made by SNH.

2. Representation 267 suggests that the list of definitions in the Glossary should include the following terms relating to retail policy: Network of Centres; Commercial Centres; and, the Sequential Approach. The Council accepts that it would be appropriate to include these definitions in the Glossary. Unfortunately, although I agree that it would be useful to include these definitions in the plan, neither those making the representation nor the Council has put forward definitions for consideration. In these circumstances, I intend to make a recommendation that the definitions should be included in the plan and that the Council should put forward definitions based on the relevant information in SPP.

Appendix 6.2

3. SNH also suggests that a number of the definitions in Appendix 6.2 require to be changed to correct several minor factual errors or to update the position regarding the most recent legislation and guidance. (1) The first matter relates to Special Protection Areas (SPAs), where it is indicated that reference should also be made to the European Birds Directive (2009/147/EC). (2) It is pointed out that the definition of Ramsar Sites should not include reference to Structure Plan Policies in the Policy Framework column. (3) The definition of National Nature Reserves should be amended to reflect the new wording of Scottish Planning Policy. (4) The definition of Sites of Special Scientific Interest (SSSIs) should be modified to reflect the new wording included in SPP. (5) The definition of National Scenic Areas should be modified to reflect the new wording included in SPP. (6) The definition of NSAs should also include reference to a web link to the National Scenic Areas Special Qualities Report.

4. The Council has indicated that it accepts that the changes proposed by SNH would rectify minor errors and inconsistencies in the definitions. I consider that to improve clarity and ensure that the plan is consistent with the terms of SPP it would be appropriate to make these modifications.

5. In addition SNH points out that the Appendix does not include an entry for either battlefields or designated wrecks. The Council indicates that Battlefields and Designated Wrecks are mentioned in the list in the supporting text of Policy 58 at paragraph 21.1.3. It also notes that at the time the plan was written Historic Scotland had not yet completed consultations with planning authorities on these issues. The Council acknowledges that the consultation has now been completed and the outcome is that these features are to be called Historic Battlefields and Designated Wrecks. It is therefore accepted that it was erroneous not to include entries for these features in Appendix 6.2 and to add the background text. I consider that it would be appropriate to correct the reference to Battlefields in paragraph 21.1.3 and replace it with reference to Historic Battlefields. The definitions of Historic Battlefields and Designated Wrecks should also be included in Appendix 6.2.

6. It was also indicated by SNH that a web link to the Special Landscape Areas citations should be added to the supporting text. This suggestion is supported by the Council. I consider that the addition of a web link to the SLA citations would provide better information for the reader of the plan and improve their understanding of the issue.

7. SNH also indicated that the reference to the term Sites of Local Nature Conservation Interest in Appendix 6.2 should be amended to Local Nature Conservation Sites. The Council accepts that this is an error which should be corrected. I agree that the terminology should be made consistent with that used in paragraph 21.1.2. I therefore recommend that the reference in the Appendix 6.2 to Sites of Local Nature Conservation Interest should therefore be modified to state Local Nature Conservation Sites.

8. With respect to Wild Land, SNH indicates that the second paragraph of the background text requires to be modified to clarify the agency's role at national level in the consideration of this potential designation. The Council does not support the proposed change to the paragraph as it is concerned that the rewording implies that the Council has accepted that that it will be a designation that will be split between national and regional/local importance. However, without committing the Council to such a split, I consider that there is merit in clarifying the role of SNH in this process. I include a recommendation below which deals with this matter.

Appendix 6.3: Supplementary Guidance

9. Representation 293 submits that the key guidance contained in the supplementary guidance on affordable housing; education and new residential development; open space in new residential development; the A96 Corridor developer contributions; developer contributions; and, residential layout and design; should be included within the local development plan. The Council does not support this suggested modification as it considers that the plan already contains sufficient links between the policy and the supplementary guidance.

10. In my view, the Highland-wide plan, as published, did not contain sufficient information concerning the proposed status of the various pieces of supplementary guidance referred to in the plan or provide adequate explanation and justification of the principles which underlie the guidance and the linkage it has to policy. In order to address these matters, the reporters requested clarification from the Council of its intentions regarding which individual elements of the supplementary guidance would be adopted as part of the plan. In addition, the Council was asked to provide further information on the principles underpinning the guidance and the linkages between the guidance and the policies in the plan. It was indicated that this further information was required to meet the requirements of Circular 1/2009 regarding the use of supplementary guidance. Paragraph 98 of the Circular recognises that detailed information on various topics can be included in supplementary guidance and that it can be adopted alongside or indeed after the local development plan is adopted. On a detailed point, the Council has indicated that most of the supplementary guidance will be reviewed, and if necessary updated, by the time the plan is adopted.

11. In response to the requests from reporters, the Council has provided the further information required on the individual supplementary guidance documents. This information has in turn been built into the reporters' conclusions and recommendations on the various issues. Provided the reporters' recommendations on including the required statements regarding the underlying principles and linkage between the supplementary guidance and the policies are accepted and the plan is modified accordingly, it is considered that the Highland-wide plan will be consistent with the relevant advice in the Circular. In these circumstances, it is concluded that there is adequate connection between the supplementary guidance and the policies in the plan. No modification is therefore recommended on the matters raised in this representation.

12. Representation 293 suggests that the list of accompanying documents set out in paragraph 1.1 of the plan should be augmented by including reference to a number of the key supplementary guidelines. However, I do not believe it is necessary or appropriate to list all the supplementary guidance in this section of the plan. Appendix 6.3 already lists the various supplementary guidance documents that are relevant to the policies of the plan. I consider that the documents included in paragraph 1.1, while relating to the preparation of the plan, are different in nature and serve a separate purpose to the supplementary guidance.

13. Similarly, representation 449 indicates that the Assessment of Landscape Sensitivity to Wind Turbine Development in the Highlands should be added to the list of supplementary guidance in Appendix 6.3. However, I believe that this document provides background technical information on how assessment of landscape sensitivities can be undertaken. As such it is a background document to the Onshore Wind Energy Supplementary Guidance. In my view, the document does not affect or refine the policies of the plan and I am not persuaded that it constitutes policy related supplementary guidance. I therefore find that no modifications should be made in response to the two representations above.

14. Representation 480 and 481 seek the modification of the background text on Special Landscape

Areas to reflect what they allege is the limited cope of the assessments leading to the identification of these areas. The Council rejects this assertion and indicates that both it and SNH feel confident in the methodology used to define the boundaries of the AGLVs included in the Structure Plan (2001) and which are now included in the Highland-wide plan as Special Landscape Areas. I have addressed this general matter under Issue 58 and I see no justification for modifying the text of the background section dealing with SLAs on page 143. For similar reasons, I do not consider that it is appropriate or necessary to change the name of these areas from Special Landscape Areas to Local Landscape Areas, as requested in these representations.

Appendix 6.4: Links to Associated Documents:

15. SNH (118) has indicated that the web link referred to under the Birds of Conservation Concern on the Red and Amber Lists, on page 158, is now out of date and should be replaced. This is a matter that was also raised in Issue 59: Protected Species. As previously indicated, I agree that it would be appropriate to update the reference and insert a reference to the new link. I include a recommendation to this effect below. SNH also suggests a link to the guidance relating to the assessment of the significance of the impacts on birds outwith designated areas. The Council, however, notes that as there is no link within the plan to this matter it would be inappropriate to include such a link in the Appendix. I agree with the Council that it is not necessary and would not be appropriate to include a link.

16. SNH also pointed out that in Policy 53: Principle of Development in Woodland, reference is made to the document Control of Woodland Removal Policy as part of the justification for the approach adopted. The Council accepts that a link to this document should be included. In my opinion, given the reference to the document in the text supporting the policy, it is appropriate to make reference to the link in both Policy 53 and in Appendix 6.4. SNH noted that the reference in Appendix 6.4 to the Scottish Biodiversity List was out of date and should be corrected. I accept that this minor factual error should also be corrected.

Proposals Map

17. A number of the representations have raised the issue that, due to the size of the area covered by the plan and the scale of the map, it is difficult to establish the location of all the different heritage resources. I note that the Council has indicated that only the most important feature covering an area is shown on the map and that other less important features that may exist below that will not appear. To ensure that readers of the plan are aware of this issue it is suggested that additional text is inserted in Policy 58 to make this situation clear. I consider that it would be sensible for this matter to be clarified through a reference to it in the text of the plan and I include a recommendation to that effect.

18. The Council has also indicated that once the plan becomes adopted it will be available as an On Line Development Plan (OLDP). When this happens readers will be able to zoom in and look in detail at the different layers of designations and background features. I consider that when available the OLPD should satisfy the comments in a number of representations (1, 118, 268, 454, 480 and 481) regarding the lack of detailed information contained on the Proposal Map and the inability of users to properly interrogate it.

19. In representation (229) it is pointed out that there is a conflict between the spatial strategy map for the Inner Moray Firth (Figure 3), which shows a waste management facility at Invergordon, and the Proposals Map, which does not include this proposal. The Council acknowledges that this is a mistake and that the symbol for the proposal should be removed from Figure 3. I consider that for the avoidance of doubt and in the interests of clarity this mistake should be rectified. A recommendation to this effect is included below.

20. The Council has suggested that the final paragraph in section 26 on page 147 is erroneous and should be deleted. While I have no reason to disagree with the Council's views on this matter, it has not been the subject of any representation and I do not therefore have any locus to deal with it. Given the nature of the suggested change, this is a matter that the Council will have to decide how it intends to deal with as part of its consideration of any further changes to the plan it may wish to make once it this report has been received.

21. It has also been indicated by the Council that Appendix 6.3, which lists the various elements of supplementary guidance, should not be issued in paper form, but made available electronically. While I appreciate that this would allow for the Appendix to be updated more readily, I have concerns that those using the plan in paper form would not necessarily be aware of the range of matters covered by the guidance. I therefore consider that the Appendix should be included in the paper version of the plan.

22. Representation 229 Indicates that the reference on the Proposals Map to Policy 59 is incorrect and that the reference should instead be to Policy 58. The Council accepts that this is an error that should be corrected. This matter has already been dealt with under Issue 59, where a recommendation proposes that the change be made. In addition, it is indicated that the Proposals Map incorrectly refers to Policies 72 and 73 in connection with new waste management sites. The reference on the map should be to Policies 71 and 72. I include a recommendation below which addresses this matter.

23. Representation 268 submits that Tree Preservation Orders (Tops) should not be considered to be heritage features of national significance in Policy 58 and in Appendix 6.2. TPOs are confirmed under powers conferred on the Council and they should more correctly be categorised as features of regional or local significance. In response, the Council has indicated that the approach adopted with respect to TPOs in the Highland-wide plan is the same as that established in three relatively recently adopted local plans. It is the Council's position that TPOs should remain categorised as nationally important features for the purposes of Policy 58. This is on the basis that the powers granted to the Council to confirm such orders are derived from national legislation. While I can understand the surprise expressed in this representation, I am aware that the approach of the Highland-wide plan on this matter is consistent with the practice adopted in the past in a number of adopted local plans. I am not therefore persuaded that it is necessary or appropriate to modify this approach in response to this representation.

24. I have carefully considered all the other representations submitted on these issues, but find that the matters they raise do not provided any justification or need to make changes to the plan.

Reporter's recommendations:

I recommend that the following modifications be made:

Appendix 6.1: Glossary

1. Delete definition of Appropriate Assessment and replace it with the following:

An assessment required under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) where a plan or project not directly connected with or necessary to the management of a European site would be likely to have a significant effect on such a site, either alone or in combination with other plans or projects. In the light of the conservation objectives of the site, the assessment should consider whether there would be any adverse effect on the integrity of the site as a result of the plan or project.

2. Insert the following after the last sentence in the definition of Green Networks:

A green network can be made up of woodlands; other natural and semi-natural habitats; watercourses and wetlands; formal and informal greenspace in and around settlements, and, active travel routes.

3. Delete the last sentence of the definition of Infrastructure and replace it with:

These include road access, water and sewerage facilities, landscaping, green networks, open space and paths.

4. Delete the definition of Wild Land and replace it with the following:

Wildness: A quality that can be experienced where there is a high degree of naturalness and lack of modern structures or land use, where an area is remote and access to it is physically challenging, where there is a perceived sense of sanctuary or solitude, and where the landscape offers a sense of awe/ anxiety and arresting qualities.

Wild Area: A term used to describe an area of wildness qualities that may occur along a wide spectrum, from places fairly near to settlement but within which there are qualities of remoteness and naturalness, to more remote mountain and moorland interiors.

Wild Land: Those areas where wildness qualities are best expressed, defined by the Scottish Government as 'uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.

5. The following new definitions relating to retail policy should be included in the Glossary: Network of Centres; Commercial Centres; and, the Sequential Approach. The Council should base the definitions on the relevant information on these matters contained in SPP.

Appendix 6.2: Definition of Natural, Built and Cultural Heritage Features

6. Delete the first part of the definition of Special Protection Areas and replace it with the following:

Classified by Scottish Ministers under either the EC Wild Birds Directive (79/409/EC) or the European Birds Directive (2009/147/EC), which provides for

7. Delete the reference to Structure Plan Policies in the Policy Framework column of the definition of Ramsar Sites.

8. Delete the second sentence of the definition of National Nature Reserves and replace with the following:

These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected.

9. Delete the last sentence of the definition of SSSIs and replace with the following:

These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected.

10. Delete the last sentence of the definition of National Scenic Areas (NSAs) and replace with the following:

These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected.

11. In the definition of NSAs, insert a reference to the following:

The web link to the National; Scenic Areas Special Qualities Report (<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/nationaldesignations/nsa/special-qualities/>).

12. Delete the second paragraph of the background section relating to Wild Areas and replace it with the following:

As part of a national programme, SNH will map wildness qualities across Scotland and will identify areas of Wild Land at a national level. This will be done in consultation with Highland Council and other planning authorities. Highland Council, with the assistance of SNH, may

then consider whether it is appropriate to identify wild areas of a quality and value that are of local/ regional importance.

13. Delete the reference to “Battlefields” in paragraph 21.1.3 and replace it with a reference to “Historic Battlefields”. Definitions of “Historic Battlefields” and Designated Wrecks should also be included in Appendix 6.2.
14. Insert a web link to the information on Special Landscape Area citations in the background text to Policy 58 Natural, Built and Cultural Heritage.
15. Delete the reference in Appendix 6.2 to Sites of Local Nature Conservation Interest and replace it with a reference to Local Nature Conservation Sites.

Appendix 6.4: Links to Associated Documents:

16. The reference on page 158 to a web link to the information on “Birds of Conservation Concern on the Red and Amber Lists” should be deleted and replaced with a reference to the following web link:

<http://www.bto.org/bbs/2009/bocc3.pdf>

17. Insert the following hyperlink to the Control of Woodland Policy at the end of the supporting text in Policy 53: Principle of Development in Woodland (at paragraph 2.25.1) and in the list in Appendix 6.4:

[www.forestry.gov.uk/pdf/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/pdf/fcfc125.pdf/$FILE/fcfc125.pdf)

18. Delete the reference to the Scottish Biodiversity List on page 159 in Appendix 6.4 and replace it with the following:

<http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist>

Proposals Map

19. Insert the following at the end of paragraph 21.3.5:

Where more than one natural, built or cultural heritage feature occurs in an area, only the topmost tier feature will be indicated on the Proposals Map and therefore other features may nest underneath this, which should also be taken into account.

20. Delete the reference to Policies 72 and 73 on the key to the Proposals Map in relation to new waste management sites and replace this with a reference to Policies 71 and 72.
21. Delete the symbol relating to a proposed waste facility at Invergordon from Figure 3: Inner Moray Firth Spatial Strategy map on page 19.

Issue 91	Sustainable Development and Climate Change	
Development plan reference:	Chapter 22 Sustainable Development and Climate Change (Page 114)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Irene Brandt (18) Julian Walford (155) Dr Julian Paren (252) Scottish Government (324) Myra Carus (422), Friends of the Earth Scotland (486) Neil Hornsby (Highlands & Islands Green Party (533)</p>		
Provision of the development plan to which the issue relates:	Whole of the plan. Concerns have been expressed under the <i>generic</i> headings of Sustainable Development and/or Climate Change, rather than the policies contained within Section 22 <i>per se</i> . Issues relate to: <i>Vision, Policy 20 Croy, Policy 23 Cawdor, Policy 29 Sustainable Development, Policy 42 Business & Industrial Land, Policy 57 Travel.</i>	
Planning authority's summary of the representation(s):		
<p><u>Concerns that insufficient account has been taken of Climate Change and Sustainable Development within the Plan for the following reasons:</u></p> <ul style="list-style-type: none"> • The plan encourages continued economic growth which is not sustainable. (18) • Little account has been taken of resource depletion. (252) • The plan does not promote the location of housing close to employment, services and public transport links. (155) • The proposed expansions at Croy and Cawdor are unsustainable because they will not provide jobs close to housing and will not create a job per house as stated in Vision. (155) • There is insufficient account taken of observed or forecasted climate change. (155, 252, 486) • Green issues are not consistently highlighted throughout the plan. (533) • No mention of a requirement for Low and Zero Carbon Generating Technologies as stipulated by Section 72 of the Climate Change (Scotland) Act. (324). • No targets have been set for a reduction in Carbon Emissions (422, 486) • Plan doesn't promote the location of high-energy usage businesses like ICT data centres in the Highlands where it's cooler and close to green electricity generating capacity. (486) • No account taken of Peak Oil. (486) • No moves towards lowering carbon footprint for goods, much of which are imported (486). 		
Modifications sought by those submitting representations:		
<p><u>General/unspecified</u> The plan should take account of 'green issues', forecasted climate change and existing trends in climate data, such as: an increased growing season; a longer summer tourist season; increased rain in the west in winter (hydro schemes) (155, 533, 252)</p> <p><u>Vision</u> The Vision (assumed) should be amended to recognise that a sustainable Highland economy should stabilise based on pressures of demand, resource depletion and pollution. (18, 252)</p> <p>The Vision for the whole of the Highland area should be amended to propose that the area "...be re-connected with its land and natural resources - 'working the land' will once again be a respectful balance between the limits of natural resources and the economic needs of local communities". (18)</p>		

Policies 20 and 23

The developer requirements for both the Croy (Policy 20) and Cawdor (Policy 23) expansions should be amended to include: a mix of land uses to allow houses and employment to be closely related; and that a new job is created for each dwelling within these allocations. (155)

Policy 29

The Sustainable Design Policy 29 (assumed) should be amended to include targets for a reduction of carbon emissions, and incorporate a robust monitoring regime. (422, 486)

Policy 42

Policy 42 Business and Industrial Land (assumed) should be amended to provide support for ICT data centres to relocate to the Highlands because of its cooler climate to reduce this sector's high electricity usage. (486)

Policy 42 Business and Industrial Land (assumed) should be amended to provide support for high electricity usage industries to be located as close as possible to electricity generating sources. (486)

Policy 57

Policy 57 Travel should be amended to require that all new housing developments should be required to be located close to employment and services and public transport. (155) (assumed)

New Policy on LZCT

The Scottish Government considers that a new policy should be included in the plan to require the installation of low and zero-carbon generating technologies (LZCT) in association with all new buildings, in line with the requirements of Section 72 of the Climate Change (Scotland) Act. They have suggested considering the approach followed by Aberdeen City Council in their Proposed LDP:

Policy R7 - Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

1. Alterations and extensions to buildings;
2. Change of use or conversion of buildings;
3. Ancillary buildings that are stand-alone having an area less than 50 square metres;
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years.

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on Low and Zero Carbon Buildings.

The Scottish Government does not necessarily endorse this wording, and in particular we note that it appears to require the entirety of the reduction beyond 2007 to be achieved through LZCT, which may not be desirable and is not required by the Act. (324)

Summary of responses (including reasons) by planning authority:General/unspecified

A number of respondents made generic comments requesting more emphasis within the Proposed Plan to dealing with 'green issues' and the impacts of Climate Change, such as longer growing season, longer summer tourist season and increased opportunities for hydro-electric power schemes, particularly in the west due to predicted increases in rainfall.

With regard to the specifics of longer tourist and growing seasons, the plan does not preclude such opportunities, as these particular supported land-uses are not time-constrained to particular seasons. In addition, the Council already provides support for new hydro-electric schemes through Policy 68 Renewable Energy Developments.

The Council considers that the concerns regarding the Proposed Plan's approach to 'green issues' (unspecified) and the impacts of Climate Change are also adequately dealt with throughout the plan. This is evidenced in the other responses contained within this schedule's Summary of Responses, and within the existing General Policies including, *inter alia*:

Policy 29 Sustainable Design – requires developments to demonstrate compatibility with the [Supplementary Guidance: Sustainable Design Guide](#) containing a range of minimum standards for building location, siting and design which all contribute towards sustainable development and avoid or mitigate the impacts of Climate Change, such as the implementation of Low or Zero Carbon generating technologies.

Policy 35 Settlement Development Areas – directs development to existing settlements where there are efficiencies of service provision and where there are opportunities for Active Travel and access to efficient Public Transport.

Policy 57 Travel – requires developments to be well-served by sustainable modes of travel, requires Green Travel Plans for significant travel-generating developments, and is supported by a range of policies contained within the Council's [Local Transport Strategy](#) including *CP12: Sustainable Travel Planning* (p84).

Policy 65 Flood Risk - requires that developments avoid areas susceptible to flooding, and requires a Flood Risk Assessment for developments within or bordering medium to high flood risk. Flood risk is also an integral factor in considering land allocations within plans. This reflects the Council's concerns regarding the likely impacts on flood risk from climate change and attempts to avoid or mitigate flood risk where appropriate.

Vision

The Proposed Plan takes a balanced approach to the sustainability of the Highlands by considering all three of its key elements - Economy, Society and Environment - in an equitable and objective manner. Focussing solely on one element would most likely be to the detriment of the remaining two, and thus undermine the Council's stated aim of supporting sustainable Highland communities into the future.

The Vision for the West Highland & Islands (WHI) has been specifically developed to address the area's particular issues of fragility, population loss and peripherality through the support of, for example, the creation of new crofts/forest crofts. This would not necessarily be a valid approach across the whole Highland area, and thus to copy a specific aim of the WHI Vision to "re-connected with its land and natural resources" (Para 6.2.1) for the wider Highland Vision would not necessarily be an appropriate response.

Policies 20 and 23

New housing developments and employment centres are required to be located close to existing public transport links, in line with the Council's [Local Transport Strategy](#) (p88). In addition, the proposed policy for Business and Industrial Land (Policy 42) supports new developments "...where they are located in sustainable locations and reduce the need to travel" (Para 20.3.1). Further to this, the Highland-wide LDP allocates the majority of its sites, including the Croy and Cawdor expansions (Policies 20 & 23), for mixed-uses which would be expected to incorporate both residential and employment uses in the same allocation, again reducing the need to travel.

Policy 29

See the Council's response below to the suggestion of a [New Policy on LZCT](#).

Policy 42

The location of ICT data centres will be market-led, with any prospective energy savings offered by the cooler Highland climate being a relatively minor consideration in the overall business case. Specific support from the plan is thus not required.

The location of high electricity usage industries will again be market-led, with the more likely scenario that private on-site renewable generating capacity would be utilised rather than locating businesses close to the larger-scale, public energy generating sources. The forecasted increased use of on-site renewables has been identified and endorsed by Policy 68 Renewable Energy Developments, and is supported in more detail in the forthcoming Sustainable Design Guide (p13, Para 3.3 “Generating energy where it’s needed”) which will be adopted as Supplementary Guidance to the Highland-wide Local Development Plan.

Policy 57

The Travel Policy 57 explicitly relies on the Council’s Local Transport Strategy (LTS) which requires that “...new developments are located to be accessible by bus as far as practicable” (LTS CP5: Bus, p58). The LTS also requires developers to “...provide Transport Assessments and Green Travel Plans with all planning applications relating to significant new developments” and the Council will also seek to “...secure contributions from developers to fund new transport infrastructure and services to mitigate the transport impact arising from any new development” (both quotes LTS CP14 Design Guidelines for New Developments, p88). Together these requirements should ensure that the accessibility of public transport is a key consideration for all new developments.

In addition, the suggestion that all housing and employment land are closely located is considered by the Proposed Plan through the allocation of the majority of sites for mixed-uses, which would be expected to incorporate both residential and employment uses in the same allocation, reducing the need to travel.

New Policy on LZCT

We note the Scottish Government’s suggested inclusion of a new policy to require the installation of low and zero-carbon generating technologies (LZCT) in association with all new buildings to fulfil the requirements of Section 72 of the [Climate Change \(Scotland\) Act](#). Whilst we acknowledge that the proposition of a new policy based on Aberdeen City Council’s [Policy R7 – Low and Zero Carbon Buildings](#) (p47) would be an appropriate response, the Council has taken a different approach which we consider also meets the requirements of Section 72 of the Act.

The Council’s approach to this issue has been to produce [Supplementary Guidance: Sustainable Design Guide](#) which is to be adopted as statutory guidance to accompany and support the approach to Sustainability and Design contained within the Highland wide Local Development Plan (HwLDP).

The Sustainable Design Guide incorporates a requirement (Sustainable Design Checklist issue 8 Renewable Energy (p28)) for new developments over 500m² to incorporate a 15% reduction in CO2 emissions which should be met through the incorporation of on-site low or zero carbon technologies (LZCT), in line with [Scottish Planning Policy \(SPP\)](#) (paragraph 44) and [PAN 84 Reducing Carbon Emissions in New Development](#) (paragraphs 40-45).

As it is intended that the Sustainable Design Guide will be adopted as statutory guidance to support the HwLDP, the Council considers that this approach should carry sufficient weight to deal with concerns expressed regarding reduction in CO2 emissions. However the Council would not be averse to clarifying this approach through the following changes and additions to the following text which immediately precedes Policy 29 Sustainable Design:

18.4.1 *Scottish Planning Policy* makes it clear that the planning system should link principles and actions to enable *sustainable development*. This is reinforced under the Planning etc. (Scotland) Act 2006 which requires the planning authority to exercise its *development planning* function with the objective of contributing to *sustainable development*.

18.4.2 Section 72 of the Climate Change (Scotland) Act also requires planning authorities to

introduce policies requiring all developments to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of Low and Zero Carbon Technologies.

18.4.3 The policy below sets out the requirement for all development to be designed in the context of *sustainable development* and Climate Change. For example, the obligation to demonstrate compatibility with the [Supplementary Guidance: Sustainable Design Guide](#) will require applicants to investigate the use of grey water, micro renewable energy system and on-site Low and Zero Carbon Technologies.

Any further plan changes commended by the planning authority:

None.

Reporter's conclusions:

Vision

1. Representation 18 contends that the essential principle of a sustainable economy is that it should stabilise according to the pressures of demand, resource depletion and pollution. This should be recognised in the proposed plan.

2. I note that *Scottish Planning Policy*, at paragraph 33, says that the planning system should actively support development that will contribute to sustainable economic growth. Thus, national policy does not acknowledge that economic growth is necessarily in conflict with sustainability. This being so, I conclude that the proposed plan need not be modified in response to this representation.

Climate change benefits

3. Representation 155 says that the proposed plan should take into account

- benefits to tourism and agriculture from rising temperature and longer growing seasons;
- increasingly pleasant summers; and
- benefit to hydro-generation resources from increased rain in the west.

4. In its response, the Council says that the plan does not preclude taking advantage of these new opportunities.

5. I note that the representation does not quantify the possible beneficial effects of climate change. It seems likely to me that a forecast of these effects over a twenty-year period could not be made with accuracy. The representation does not demonstrate that the proposed plan would prevent realisation of possible beneficial effects of climate change. From all these considerations, I conclude that the plan need not be modified in response to the representation.

Sustainable design

6. Representation 324 says that, in line with section 72 of the Climate Change (Scotland) Act 2009, the proposed plan should include a policy that requires low and zero-generating technologies in association with all new buildings.

7. In response, the Council says that its *Sustainable Design Guide* will be adopted as supplementary guidance. This guidance will incorporate requirements for reduced CO₂ emissions, in line with paragraph 44 of *Scottish Planning Policy*. The Council also refers to paragraphs 40 to 45 of Planning Advice Note 84: *Reducing Carbon Emissions in New Development*. This advice note has since been revoked. The Council suggests that its approach might be clarified by inserting into the proposed plan new text immediately before Policy 29: *Sustainable Design*.

8. I note that, in terms of section 24(2) of the Town and Country Planning (Scotland) Act 1997, the definition of "development plan" includes any supplementary guidance issued in connection with a local development plan. Thus, the Council's proposed supplementary guidance, once adopted,

will have status equal to that of the local development plan.

9. From what the Council says, the proposed supplementary guidance is intended, among other things, to ensure compliance with section 72 of the 2009 Act. This should be made clear by incorporating into the proposed plan new text along the lines suggested by the Council.

10. It will then be essential to ensure that all proposed developments comply with the greenhouse gas emissions provisions in the supplementary guidance. Some additional text in Policy 29 can achieve this.

11. With all the foregoing alterations, I conclude that the statutory requirement and the associated concern in the representation will be satisfactorily addressed.

Business development

12. Representation 486 contends that there are environmental advantages if data centres for information and communications technology were to be located in Highland. I find that Policy 42: *Business and Industrial Land* is very supportive of business development, and that this adequately addresses the point made in the representation.

13. Representation 486 also advocates links between electricity generation sites and nearby electricity users. I note that, to some extent, this is addressed by Policy 69: *Community Renewable Energy Developments*. Policy 68: *Renewable Energy* does not preclude the links sought in the representation, but of necessity is orientated to addressing the large number of issues that can be raised by proposed renewable developments. In all the circumstances, my conclusion is that the proposed plan need not be altered in response to this aspect of the representation.

Travel

14. Representation 155 says that the primary tenet of sustainable design is that housing should be located close to employment and other services: housing and jobs should be closely related. Proposed expansion at Croy and Cawdor does not comply with this principle and would not be sustainable. These aspects of representation 155 are considered in sections 20 (Croy Expansion) and 23 (Cawdor Expansion) of this report.

CO2 emissions

15. Representation 486 suggests that, in the interests of saving energy, CO₂ emissions should not be stored underground. Instead, they should be fed to algae to produce fuel and fertiliser. I find nothing in the submissions to demonstrate that the proposed plan favours underground storage of CO₂ or discourages use of algal bioreactors. I conclude that no modification of the proposed plan is required in response to this aspect of the representation.

General

16. Representations include a number of other points in relation to sustainable development. The proposed plan lacks the urgency that is required to tackle climate change and resource depletion (representation 252). Government targets on carbon emissions should be monitored and adhered to strictly (422). We may well experience a colder climate, with increased demand for energy efficiency and renewable heat. Energy efficiency should be accorded much higher priority (486). Treatment of green issues should be more focused and standard throughout the plan (533).

17. Response from the Council includes references to the following: proposed supplementary guidance: *Sustainable Design*; Policy 35, which directs development to existing settlements; and Policy 57, which looks for sustainable modes of travel.

18. I find that two key matters in relation to these representations are reducing carbon emissions and encouraging a pattern of development that minimises need to travel. Policy 29: *Sustainable Design*, altered in accordance with recommendations in this report, addresses the first matter. The second matter is addressed by the plan strategy, which encourages development in or adjacent to existing communities, where journeys to school, work, shops and so on will be shorter and where public transport is more accessible. An exception to this strategy is Tornagraing, but the intention is

that it too will share the characteristics just mentioned regarding shorter journeys and public transport. This is supported by its location adjacent to the Inverness Airport Business Park. My conclusion is that these other representations do not necessitate modification of the proposed plan.

Reporter's recommendations:

I recommend the following modifications:

1. Delete paragraph 18.4.1 and instead put:

18.4.1 *Scottish Planning Policy* makes it clear that the planning system should link principles and actions to enable sustainable development. This is reinforced under the Planning etc. (Scotland) Act 2006, which requires the planning authority to exercise its development planning function with the objective of contributing to sustainable development.

18.4.2 Section 72 of the Climate Change (Scotland) Act 2009 says that planning authorities must include in local development plans policies requiring all developments to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies.

18.4.3 Policy 29 sets out the requirement for all development to be designed in the context of sustainable development and climate change. The Council's *Sustainable Design Guide* will include provisions that fulfil the requirements of section 72 of the Climate Change (Scotland) Act 2009 and will also, for example, require investigation of the use of grey water and micro renewable energy systems. The *Sustainable Design Guide* will be adopted as supplementary guidance. Compliance with the *Guide* is required in terms of Policy 29.

2. In Policy 29, after the third paragraph ("Developments which.....*Design Statement.*"), insert a new paragraph:

All developments must comply with the greenhouse gas emissions requirements of the *Sustainable Design Guide*.

Issue 92	Nairn – General	
Development plan reference:	Chapter 14 Nairn (Pages 50 – 56)	Reporter: Robert Maslin
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peter Mason (24) Joan Noble (67) Alastair Noble (76) Mrs Annie Stewart (172) Turley Associates for Sainsbury’s Supermarkets Ltd (267) Bowlts for A Ross (308) Scottish Environment Protection Agency (SEPA) (326)</p>		
Provision of the development plan to which the issue relates:	Nairn - General	
Planning authority’s summary of the representation(s):		
<p><u>Tourism and Regeneration</u></p> <ul style="list-style-type: none"> • Nairn has an important role as a tourist destination that needs to be enhanced and the town centre needs regenerated. Where is planned development of any all weather tourist facilities? Apart from housing what other development is planned that will bring economic growth to Nairn and help deliver a more balanced age group in the town? (172) • Work of NICE on Nairn Town Centre should be incorporated into the Local Development Plan. (76) • A regeneration area for Nairn should be allocated. (76) (172) <p><u>Transport Issues</u></p> <ul style="list-style-type: none"> • We need a bypass within 5 year plan, infrastructure before development. (76) • The road system in and around Nairn is at capacity at present. It impinges hugely on the quality of life of local residents, the viability of businesses, journey times, and the number of deaths and injuries on the roads. (67) • This was all documented in 2008 in the very well researched A96 report by Scott Wilson for HITRANS. The case for a Nairn by-pass was accepted by Transport Scotland for inclusion in the next tranche of road improvements. Unfortunately, the financial crisis will delay any start on this. There should be no significant development in and around Nairn until we have a by-pass. I reserve the right to discuss the Scott Wilson report in full at a HWLDP public enquiry. (67) • There is also no mention of any planned improvement in transport and rail links to the east – all roads seem to lead to Inverness not Grantown, Aviemore, Forres, Elgin or Aberdeen. (172) • Consider implications of Moray economy as an argument for progressing the Nairn by-pass. (24) • We welcome the support of early phases of development across the corridor before major 		

infrastructure is completed. However, it is important that any early phases do not restrict the ability for the major infrastructure e.g. the Nairn by-pass, to be constructed. Sufficient land should be safeguarded for this purpose. We support the proposals to set out the amount of development that will be allowed between 2011-2016 and 2016-2021. (308)

General

- Sainsbury's and the area to the East of Nairn should be developed and form the eastern boundary of the town. (76)
- The Nairn Strategy fails to appropriately recognise the towns existing/planned role within the settlement hierarchy. (267)
- The Academy is at capacity and the building constrains academic achievement. (HMIE reports). (67)
- In Nairn there is particularly poor social work provision for the existing elderly, far less greatly increase their number. (67)
- The development plans for Nairn are excessive, and damaging to Nairn, particularly to the tourist industry. (67)
- The Nairn area has not the infrastructure to cope with any more development without very major investment, it would appear that the planners are recommending that developers are allowed to make a 'start' on projects, (16% increase in Nairn houses!) and that the infrastructure will in some way catch up. I am shocked that professionals who are paid to make sure that this does not happen, are actually recommending this very inadvisable and unprofessional course of action. (67)
- Lack of employment in Nairn, no jobs for the expansion sites. (67)

New Sites

- Consider that the east of Nairn could be more sustainably developed. At present, the land east of Nairn is allocated for commercial development only. A mix of residential and commercial usage should be made as there is too much emphasis on commercial development to the east of Nairn, generating more cross town movement of traffic. A mix of uses would be in line with one of the principles of the A96 corridor, which sought to "promote a mix of land uses that allows houses and jobs to be closely related and the mix to be more varied towards the centre of places." By promoting a mix of uses in east Nairn there would be a more sustainable link between work and home. Whilst a housing allocation has been made to the north east of Nairn, due to the alignment of the railway there is no link between this area and the land at east Nairn, requiring traffic to head back into the centre of Nairn and out to the A96. A mix of uses would also enhance the eastern gateway to Nairn. (308)
- Balmakeith site should be identified as a commercial centre and its function be defined as a centre for sale of retail goods. (267)

River Processes

- Any development on the allocations adjacent to the river must consider future river processes (i.e. allow room for future geomorphological changes) to avoid conflict between river processes and development in the future which may require extensive river engineering. (326)
- It is also essential to ensure that the sewage treatment system has sufficient capacity and that the current standards which are applied to works will not be relaxed. This is particularly important in relation to the potential impact on Nairn bathing waters. (326)

- It is clear that there is inadequate water and sewage capacity.

Modifications sought by those submitting representations:

Tourism and Regeneration

- Requirement for town centre regeneration and tourist facilities;
- Work of NICE on Nairn Town Centre to be incorporated into the Local Development Plan;
- A regeneration area for Nairn should be allocated.

Transport Issues

- Reference to improvement of transport of the road system;
- There should be no development until a bypass;
- Reference to rail improvements – to East;
- Use moray economy for progressing the bypass;
- Ensure early phases do not restrict the ability for the major infrastructure e.g. the Nairn bypass, to be constructed Sufficient land should be safeguarded for this purpose.

General

- Sainsbury's and the area to the East of Nairn should be developed and form the eastern boundary of the town;
- Change in settlement hierarchy;
- Less development.

New Sites

- Allocation of Balmakeith as a commercial centres – with its function to be defined as a centre for sale of retail goods;
- Inclusion of allocation to the East of Nairn for mix of commercial and residential uses.

River Processes

- Development on the allocations adjacent to the river to consider future river processes; (326)
- It is also essential to ensure that the sewage treatment system has sufficient capacity and that the current standards are applied. (326)

Summary of responses (including reasons) by planning authority:

Tourism and Regeneration

- Although there is no specific allocation for regeneration in Nairn town centre, the council have been working on the Draft Nairn Town Centre Development Brief aimed at helping to regenerate an area in the town centre. In particular, the Development Brief targets that part of the town centre bordered by the library car park, King Street, High Street and Leopold Street. It has been prepared to promote regeneration. The brief has recently been through an extensive consultation period and the so amended and finalised Brief will, when adopted, form non-statutory supplementary planning guidance and be a material planning consideration for development management purposes. The council's planning policy for the Brief area and the wider town centre will be reviewed through the Inner Moray Firth Local Development Plan process.
- It is understood that tourism is an integral part of the town of Nairn. The tourism industry is one of Scotland's largest business sectors and in line with national policy, planning authorities should support high quality tourism related development, including the provision of appropriate facilities in key locations across urban and rural Scotland. New tourism policies have been added to the Proposed Plan. Specific allocations for tourism related development in Nairn will be addressed through the Inner Moray Firth Local Development Plan.

Transport Issues

- It is recognised that Transport Issues remain key to development in the town of Nairn. The Council has continued to discuss the delivery timescale for a Nairn by-pass with Transport Scotland. Although the project is highlighted in the Scottish Government's Strategic Transport Projects Review, there is no clear timescale of funding available for its delivery. Transport Scotland have begun the next stage of design review for the A96 Corridor between Inverness and Nairn, and this work is expected to be complete by the end of March 2010.
- The Council fully support and agree with many of the points raised in the consultation regarding transport improvements, but given the uncertainty associated with the by-pass project, it is not feasible to put an embargo on future development until such time as the by-pass is in place. That said, much of the longer term development contained within the A96 Corridor Development Framework has not been included in the proposals map for Nairn, and will not be brought forward until a much clearer picture of infrastructure delivery emerges.
- In line with Scottish Planning Policy, opportunities for personal travel will be prioritised by mode in the following order - walking, cycling, public transport, car and other motorised vehicles. Buildings and facilities should be accessible on foot and by cycle.
- Regarding the request for rail improvements to the East, the [Strategic Transport Projects Review \(STPR\)](#) sets the Scottish Government's 29 transport investment recommendations for the next 20 years. Ministers have identified 4 priorities 2 of which are the Aberdeen to Inverness Improvement Programme and the Highland Mainline Improvements:
 - The Aberdeen to Inverness Improvement Programme involves the development of timetable and supporting infrastructure enhancements between Aberdeen and Inverness, to enable the introduction of additional train services on the route and a reduced end to end journey time;
 - Within the Highland area the STPR commits to providing a new station at Dalcross with park and ride facilities and interchange facilities with Inverness Airport.
 - Network Rail is currently considering different options for the proposed infrastructure enhancements.

- In addition improvements to active transport networks, such as paths and cycle routes, in urban and rural areas will support more sustainable travel choices. The aim is for urban areas to be made more attractive and safer for pedestrians and cyclists, including people with mobility difficulties. The Council’s active travel plans will assist in this respect and the transport policies in both the Local Development Plan and the Local Transport Strategy will encourage their use in development management decisions.

General

- SPP states Planning Authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. In addition Development plans should support small business development and growth and promote opportunities for low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity. New development will contain opportunities for business.
- The mixed use sites in Nairn South, Delnies and at Sandown do provide opportunities for business development, and in that respect will offer significant benefits to employment growth. The Council will also continue to work at enhancing the attractiveness of Nairn as a business location.
- The issue of settlement hierarchy is dealt with in [Policy 41 – Retail Development](#).
- With regards to jobs the major expansion sites have incorporated requirements for locally based business opportunities. In addition Balmakeith Business Park offers further scope for development of local employment. It is acknowledged there will be elements of commuting and the plan supports transport infrastructure improvements to provide sustainable transport solutions.

New Sites

- Although the sites mentioned present potential the council does not intend to allocate further sites in the HWLDP. The potential of additional sites will be addressed through the area local development plans.
- The council has begun production on a new style local development plan for the Inner Moray Firth. The Plan area covers from Tain round to Nairn, as far south as the Cairngorms National Park boundary and Fort Augustus, and as far west as Strathconon and Garve. The current Plan phase is a “Call for Sites”. This is a call to communities, landowners, developers and agents to suggest sites for protection or development. Those seeking allocations above are invited to write in with their suggestions by Friday 29th April 2011 using the guidance provided - [Call For Sites](#).

River Processes

- Detailed development factors including the set back from the river Nairn and river processes will be considered in more detail.
- No objection has been received from Scottish Water in respect of wastewater treatment or water supply capacity. Costs of any required improvements to the networks of both water and waste water will fall to the developer.

Any further plan changes commended by the planning authority:

None.

Reporter’s conclusions:

Tourism

1. Representations 67 and 172 make several points: the proposed plan contains next to nothing for tourism in Nairn; tourism needs to be enhanced; there should be a plan for all-weather facilities; and the inappropriately-high level of development will damage tourism.
2. In its response, the Council acknowledges the role of tourism in Nairn. New tourism policies have been added to the proposed plan. Specific allocations for tourism-related development in Nairn will be addressed in the Inner Moray Firth local development plan.
3. I note that the *Nairnshire Local Plan* (adopted December 2000) allocates land at Delnies for development of a golf course (page 21, Policy 4 and page 35, Allocation 22(g)). In response to a request for further information, the Council submitted a document entitled *Superseded Elements of Old Local Plans*. Paragraph 3.2 indicates that the Council intends to keep in force Policy 4 on page 21 and, insofar as it relates to land outwith the allocations shown on Map 9 of the *Highland-wide Local Development Plan*, allocation 22(g). From this, I find that the development plan would continue to encourage provision of a new golf course at Nairn. A new golf course would be an important additional attraction for visitors.
4. The *Nairnshire Local Plan* (page 33, 11(a)) also allocates a site at Sandown for business use. The plan moots a possibility that part of this site, adjoining the A96, might be used for a major tourist/visitor centre. *Superseded Elements of Old Local Plans* indicates that this allocation is not to be kept in force.
5. I note the Council's intention to address allocations for tourism-related development in the Inner Moray Firth local development plan. This intention does not appear to be set out in Chapter 14: Nairn of the proposed plan. The allocations depicted on Map 9, with the exception of Lochloy, are certainly for mixed use, but in the text and policies, the focus is on housing. Policy 16: Sandown refers only to housing. In paragraph 14.10.1, there is a reference to the proposed golf course and to "small scale leisure and hotel development," but Policy 17: Delnies refers only to housing. Paragraph 14.12.2 refers to "localised employment opportunities," but Policy 18: Nairn South refers only to houses.
6. From these considerations, I find that the proposed plan, in allocating very considerable amounts of land at Sandown, Delnies and Nairn South, does not set out a clear requirement for inclusion of tourism-related development in the mix of uses that may be brought forward for these sites.
7. There is clear evidence of developer interest in at least two (Delnies and Nairn South) of the three mixed-use sites. This interest could well be pursued in the period between adoption of the *Highland-wide Local Development Plan* and adoption of the Inner Moray Firth local development plan, with its promised allocations for tourism-related development. In the absence of the requirement mentioned in the preceding paragraph, it is possible that opportunities to encourage and secure tourism-related development, or to safeguard sites for future tourism-related development, might be lost in this interim period. This situation is not helped by the Council's intention to delete allocation 11(a) in the existing, adopted local plan.
8. With regard to the concern that an inappropriately-high level of development will damage tourism, I find that any loss of view from the Inverness Road would be unlikely to have a significant effect on tourism and that the scale of development, if well-designed, would have a neutral effect.
9. I conclude that the plan should ensure that, when proposals for development of each mixed-use site are being prepared, consideration is given to the extent to which tourism-related development might be attracted to the site.

Town centre

10. Representation 76 refers to ongoing work in relation to development and regeneration in Nairn town centre. This should be part of the local plan. The need for town centre regeneration is also put forward in representation 172. In its response, the Council refers to the draft Nairn Town Centre Development Brief. Policy for the town centre will be reviewed through the Inner Moray Firth local development plan process.

11. The Council's additional document entitled *Superseded Elements of Old Local Plans* indicates an intention to retain meantime Policy S1 in the *Nairnshire Local Plan* (December 2000). This policy applies to Nairn town centre. I find that it provides a basis for permitting new development and progressing regeneration. My conclusion is that the *Highland-wide Local Development Plan* need not be modified in response to the representations.

Roads and transport

12. Representations 24, 67 and 76 refer to the need for an A96 by-pass of Nairn. The road system in and around Nairn is at capacity. There is a safety issue. No significant development should take place until the by-pass is built. A by-pass would assist the economy of Moray.

13. In its response, the Council voices support for many of the points that are raised. The Council advises that Transport Scotland is at present carrying out a design review of the A96 corridor between Inverness and Nairn. Much of the longer-term development contained in the *A96 Growth Corridor Development Framework* will not be brought forward until there is a clearer picture of infrastructure delivery.

14. I note that Transport Scotland's *Strategic Transport Projects Review* of October 2009, on pages 108 and 109, has a section under the heading *Upgrade A96 to Dual Carriageway between Inverness and Nairn*. On page 116, under the heading *Targeted Road Congestion/Environmental Relief Schemes*, text includes:

Enhancements to the A96 such as a bypass around Nairn would reduce the conflict between local and strategic traffic and improve journey times and journey time reliability along the route.

15. It thus appears to be generally accepted that there should be a Nairn by-pass. I note that paragraph 14.3 of the proposed plan says that the Council will continue to lobby for the by-pass. I find that this is as much as may reasonably be expected in the plan in relation to securing the by-pass.

16. Regarding lack of road capacity, present levels of congestion, noise and pollution may well be, at the least, unpleasant for residents and visitors, but evidence does not demonstrate that they are of such magnitude as to justify a prohibition on new development.

17. Regarding safety, evidence does not show that accident rates in Nairn are especially high in relation to rates in other towns of similar character.

18. Regarding links to the east, the by-pass would obviously be of benefit to road traffic. The Council, in its response, draws attention to possible improvement to the Inverness to Aberdeen rail service.

19. With respect to these representations, my conclusion is that the proposed plan need not be modified.

Other infrastructure

20. Representation 67 contends that, for the proposed new development, water supply and foul drainage provision are inadequate. In Nairn Academy, there is no space for additional pupils. Social work support for the elderly is poor. Representation 326 says that current standards for sewage treatment must not be relaxed.

21. I note the following.

- Scottish Water has not submitted any objection to the mixed use allocations at Nairn.
- Policy 17: Delnies says that connection to the public water and waste water system will be required.
- Policies 16: Sandown and 18: Nairn South make no reference to water and waste water.
- At the hearing on 28 September 2011, the Council's representative stated that Scottish Water has obtained planning permission for treatment works at Ardersier and that these works could receive drainage from Nairn.

22. I find that evidence does not demonstrate an inability to provide suitable water supply and drainage for the proposed developments. To put beyond doubt that there will be proper water supply and water disposal for development on all three mixed-use sites, the connection requirement in Policy 17 should also be included in Policies 16 and 18, and I conclude that the plan should be modified accordingly.

23. In Policies 17 and 18, I note that developer contributions to education provision may be required. This adequately addresses the concern regarding space for pupils.

24. Regarding support for the elderly, evidence does not show that any difficulty is especially pronounced in Nairn and that any difficulty is bound to persist in future years. My conclusion is that this aspect of the representations does not justify modification of the proposed plan.

Settlement hierarchy

25. Representation 267 contends that Nairn should be classified as a sub-regional centre and that the Balmakeith site should be identified as a commercial centre. The Council says that this matter is dealt with under issue 41: Retail.

26. In its response, dated 7 December 2011, to a further information request regarding Policy 41, the Council recognises the role of Nairn in the settlement hierarchy as a major contributor to the spatial strategy. It says that given recent and forthcoming developments in Nairn it considers the town meets the criteria for a sub-regional centre. This is dealt with under Issue 41. The issue regarding Balmakeith is a local matter, and should be considered during preparation of the forthcoming Inner Moray Firth local development plan.

Economy

27. Representations 67 and 172 ask about availability of employment in Nairn for the proposed additional population. Representation 24 says that there is need to take into account economic problems in Moray.

28. In response, the Council says that the three mixed-use sites provide opportunities for business development: "the major expansion sites have incorporated requirements for locally based business opportunities." There is scope for further development at Balmakeith Business Park.

29. I note the following.

- Policy 16: Sandown and its supporting text contain no reference to business development.
- The supporting text for Policy 17: Delnies (paragraph 14.10.1) refers to small-scale leisure and hotel development. The policy contains no reference to business development.

- The supporting text for Policy 18: Nairn South (paragraph 14.12.2) refers to localised employment opportunities. The policy contains no reference to business development.

For these three sites, as already noted, the plan’s focus is on housing development.

30. To realise the opportunities which the Council identifies in its response, I find that Policies 16, 17 and 18 should include a requirement to consider business development. A modification of the plan along these lines would adequately address the concerns in the representations, bearing in mind also that there is scope for further development at Balmakeith Business Park. Modification of the plan could be combined with that regarding tourism-related development.

Nairn East

31. Representation 308 is concerned that development to the east of Nairn is overly focused on commercial and industrial development. There is a lack of residential development. In its response, the Council refers to opportunity to suggest sites for development during preparation of a new-style local development plan for the Inner Moray Firth.

32. I note from proposals in the *Nairnshire Local Plan* and from inspection of the Lochloy area that a significant amount of residential development has taken place on the east side of Nairn, and that land remains for more such development. I also note, as mentioned in the representation, that there is no direct road or footway link between Lochloy and Balmakeith. I find that, if there is any geographical imbalance in the proposed mixed-use allocations at Nairn, it is not such as to require modification of the proposed plan.

River processes

33. Representation 326 says that proposals for development on allocations adjacent to the river must allow for changes to the river. The Council’s response is that detailed development factors, including set-back from the river and river processes, will be considered in more detail.

34. From evidence before me and from observations during site inspections, I find that any restriction on development arising from predicted river processes is likely to affect no more than a relatively small portion of the proposed mixed-use sites. This would not affect the feasibility of the proposed developments. My conclusion is that the plan need not be altered in response to the concern that has been expressed.

Reporter’s recommendations:

I recommend the following modifications:

1. In Policy 16: Sandown, add two new paragraphs:

In preparing proposals for the site, consideration must be given to the extent to which tourism-related development and business development might be attracted to the site. If potential, either in the short term or in the longer term, is identified for one or both of these kinds of development, land must be reserved accordingly.

Connections to the public water and waste water systems will be required.

2. In Policy 17: Delnies, between “Housing” and “Miscellaneous” in the list of requirements, insert the following:

Tourism-related and Business Development

- In preparing proposals for the site, consideration must be given to the extent to which tourism-related development and business development might be attracted to the site.

If potential, either in the short term or in the longer term, is identified for one or both of these kinds of development, land must be reserved accordingly.

3. In Policy 18: Nairn South, between “Housing” and “Miscellaneous” in the list of requirements, insert the following:

Tourism-related and Business Development

- In preparing proposals for the site, consideration must be given to the extent to which tourism-related development and business development might be attracted to the site. If potential, either in the short term or in the longer term, is identified for one or both of these kinds of development, land must be reserved accordingly.

4. In Policy 18: Nairn South, under “Miscellaneous” and after “functional flood plain;” insert the following:

Connections to the public water and waste water systems will be required.