



# NESS DEVELOPMENT BRIEF

January 2007

*Approved Brief*



The  
Highland  
Council  
Comhairle na  
Gaidhealtachd

*Highland Inverness*

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Note:

All Ordnance Survey Maps used in this Development Brief are the latest available at the time of production. They may not reflect exactly what is on the ground at present, but they have not been altered in any way by the Council.

## 1 CONTEXT & PURPOSE

- 1.1 This Brief promotes the development of one of the City's principal expansion areas to complete a sustainable and balanced Ness District. To do this it provides a financial protocol to co-ordinate and secure equitable developer contributions towards the additional deficiencies created by upwards of 1,300 new houses and 2,700 new residents. It also specifies an optimum mix and layout of land use that will achieve this aim. Guidance for Ness Castle is sufficient to progress pending planning applications and proposals at this location whereas land at Ness-side and Milton of Ness-side will be subject to additional policy advice once key variables such as distributor road design and the scale of retail provision have been resolved.
- 1.2 On 29 January 2007 this Brief was approved by the City of Inverness and Area Planning Committee as supplementary policy guidance, as a material planning consideration in judging relevant planning applications and as a basis for negotiating related planning agreements.

## 2 POLICY

- 2.1 This Brief amplifies the provisions of the Adopted Inverness Local Plan (March 2006). Policy 38(iv) states:
- “(iv) NESS CASTLE/NESS-SIDE: 165.0 ha. of land incorporating reservation of 2.0 ha. for a primary school, a substantial District Park adjacent to the River Ness, and a District Centre for which planning permission has been given for development of a 6.6 ha. site. Development of specific parts of the area will be dependent on the following:*
- (a) Ness Castle (90.0 ha.): a distributor “loop” road, widening of Dores Road and extension of the trunk utility mains;*
  - (b) Ness-side/Milton of Ness-side (70.0 ha.): programmed/committed funding necessary to link the A82 including developer contribution; construction of part of this route concurrent with development, and extension of the trunk water and drainage main. Land at Milton of Ness-side, which could be suitable for social/leisure, tourist uses, will require widening of Dores Road as (a) above.”*

- 2.2 Attention is drawn to other relevant guidance in particular the Inverness Local Plan Policies GP4 Affordable Housing (supplemented by the Development Plan Policy Guideline [DPPG]: Affordable Housing), GP5 Developer Contributions and the Designing for Sustainability in the Highlands DPPG. These legitimise the principle of The Council securing contributions and detail delivery mechanisms. Full details are available on the Council's web-site at [www.highland.gov.uk/yourenvironment/planning](http://www.highland.gov.uk/yourenvironment/planning)

## 3 DISTRICT STRUCTURE

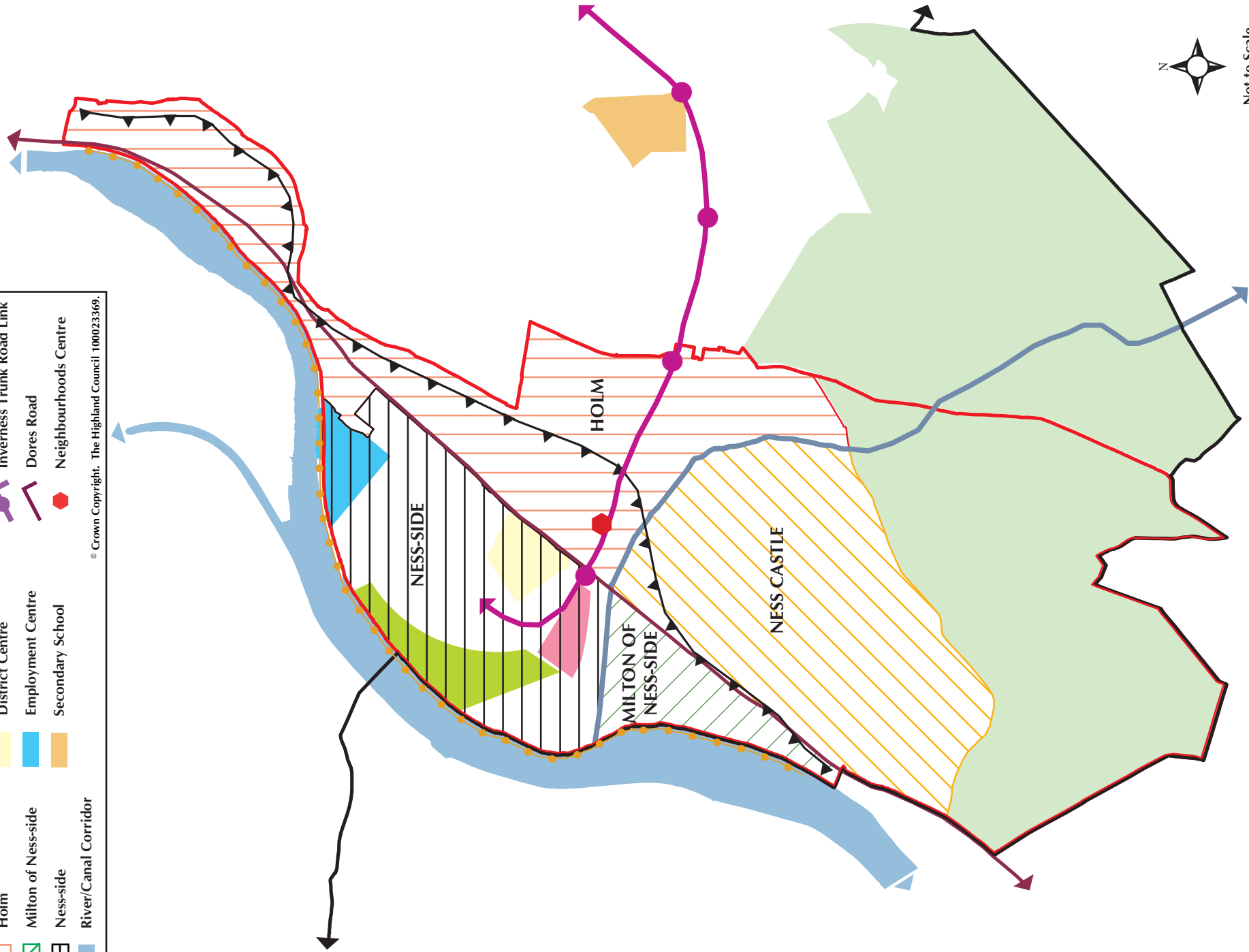
- 3.1 Successful integration of the completed Ness District will depend upon making effective linkages between existing and new neighbourhoods and also between the District and its City context. Map 1 schematically shows the factors affecting the development of Ness District and its relationship to the wider Inverness context.
- 3.2 Many of the key structural decisions about land use mix and layout are already made and embodied within Council policy or are shaped by the factors shown on Map 1. Centrality, commercial visibility and accessibility all suggest that the District Centre should, as consented and allocated, be located close to the Dores Road roundabout at Ness-side. This is the most central, least severed undeveloped parcel of land within the District and is at the fulcrum of existing and proposed circulation patterns. Similarly, the allocated district employment area at Holm Mills should be reaffirmed because of the location's commercial visibility, opportunity for improved access via a dedicated link from the Inverness Trunk Road Link and the presence of existing employment uses.

# MAP 1 : DISTRICT DEVELOPMENT FACTORS

## LEGEND

	City Boundary		Green Wedge		Escarpment
	Ness District		New Community School		Holm Burn
	Ness Castle		New District Park		Flood Risk
	Holm		District Centre		Inverness Trunk Road Link
	Milton of Ness-side		Employment Centre		Dores Road
	Ness-side		Secondary School		Neighbourhoods Centre
	River/Canal Corridor				

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- 3.3 Other factors suggest that the Ness District Park should be located adjacent to the River Ness corridor to take maximise its amenity value and also to take account of the flood plain. Similarly, the decision on the location of the District's future primary school provision needs to take account of centrality to the completed residential neighbourhoods, proximity to associated uses, and ensuring safer routes to any site. It is suggested therefore that a new primary school should be located as indicatively identified on Map 1 at Ness-side between the Holm Burn and the consented District Centre. This location is central, well related to complementary uses such as proposed playing field provision within the District Park and well connected to existing and likely future access routes.
- 3.4 Creating a balanced and sustainable Ness District also requires that developer contributions are secured to mitigate common deficiencies created or amplified by new development. Tables 1 and 2 set out: a list of the deficiencies common to more than one development area including Ness Castle; the applicable boundaries; how many new and existing houses could benefit directly from their resolution, and; a financial sum per new house that equals the total cost of resolving the deficiency divided by the total future housing stock.
- 3.5 Only housing development has been quantified because Ness Castle will be almost exclusively a residential neighbourhood. Similarly, it has been assumed that only housing uses could benefit directly from - and should therefore contribute to - improved school provision and associated community facilities, the District Park, improved public transport and local distributor road provision required solely for the purposes of accessing Ness Castle as a residential neighbourhood.

Table 1: Estimated Future Housing Stock

Area <sup>(1)</sup>	Existing Houses <sup>(2)</sup>	New Houses on Allocated Land <sup>(3)</sup>	New Houses on "Windfall" sites <sup>(4)</sup>	Total Future Housing Stock <sup>(5)</sup>
Holm	1,118	0	7	1,125
Ness Castle	14	610	0	624
Ness-side	12	606	0	618
Milton of Ness-side	1	118 <sup>(6)</sup>	0	119
Green Wedge	13	0	0	13
<b>Total Ness District</b>	<b>1,158</b>	<b>1,334<sup>(6)</sup></b>	<b>7</b>	<b>2,499</b>
<b>Holm Primary School Catchment</b>	<b>1,166</b>	<b>1,216<sup>(6)</sup></b>	<b>7</b>	<b>2,389</b>
<b>Inverness Royal Academy Catchment</b>	<b>6,672</b>	<b>2,865<sup>(6)</sup></b>	<b>744</b>	<b>10,281</b>

Assumptions / Definitions

- (1) Areas as delineated on Map 1
- (2) 2006 address point data supplied by Ordnance Survey excluding non-residential addresses and corrected for known errors
- (3) Capacities from Inverness Local Plan: Adopted Plan: March 2006 (or from predecessor Inverness, Culloden & Ardersier Local Plan: April 1994 where no current specific capacity stated)
- (4) Based on 2000-2005 average "windfall" completions per annum within IRA catchment and previously allocated land at Holme Mains. Any additional "windfall" housing units within the Ness District boundary will be required to contribute the sums specified in Table 2. Any "windfall" retail or other commercial development within Ness District will be required to provide within its boundary, or contribute the total cost of provision elsewhere within the District, additional public open space/landscaping and community facility provision in the same proportions detailed in District Centre planning consent Ref. 98/933/OUTIN.
- (5) Estimated future housing stocks for when Ness District is "completed" (assumed 2017)

- (6) It is assumed that the Milton of Ness-side area will accommodate a profit making tourism / timeshare / retirement accommodation element equivalent to 118 housing units but these units will not generate any additional school pupils

Table 2: Common “District” Deficiencies Requiring a Ness Castle Developer Contribution

Deficiency <sup>(1)</sup> - Facility or Improvement Required	Applicable Area <sup>(2)</sup>	Estimated Total Cost <sup>(3)</sup>	Applicable Future Housing Stock <sup>(4)</sup>	Average Contribution per House <sup>(5)</sup>
Breach of Permanent Physical Capacity of High School - <b>Permanent extension to Inverness Royal Academy</b>	Inverness Royal Academy Catchment	£840,000	10,281	£81.71
Breach of Permanent Physical Capacity of Primary School, Local Plan Community Facility Requirements- <b>2.5 ha 250 pupil New Primary School incorporating nursery provision, &amp; community hall, library and changing facilities</b>	Holm Primary School catchment	£8,640,000	2,389	£3,616.58 <sup>(7)</sup>

Deficiency <sup>(1)</sup> - Facility or Improvement Required	Applicable Area <sup>(2)</sup>	Estimated Total Cost <sup>(3)</sup>	Applicable Future Housing Stock <sup>(4)</sup>	Average Contribution per House <sup>(5)</sup>
Shortfall in Outdoor Sport and Children’s Playing Space - 9 ha <b>District Park</b> - (incorporating 3 playing fields and a Neighbourhood Equipped Area for Play [NEAP])	Ness District	Total £1,650,000 £900,000 for District Park £100,000/ha 4ha £700,000 for additional 3PF’s within Park on 4ha @ £175,000/ha plus NEAP at £50,000 (excluding duplicated land acquisition and other costs)	2,499	£660.26
Local Plan Requirement - 1.8 km All users <b>riverside path</b>	Ness District	£162,000 @ £90/m (excluding duplicated land acquisition and other costs for section within District Park)	2,499	£64.83
<b>Safer Routes to Schools</b>	Ness Castle	£125,000	624	£200.32

Deficiency <sup>(1)</sup> - Facility or Improvement Required	Applicable Area <sup>(2)</sup>	Estimated Total Cost <sup>(3)</sup>	Applicable Future Housing Stock <sup>(4)</sup>	Average Contribution per House <sup>(5)</sup>
Inadequate public transport provision- Temporary subsidy to allow <b>extension of bus service</b> into Ness Castle	Ness Castle	£144,000	624	£230.77
Inadequate public transport provision- Temporary subsidy to allow <b>increased frequency of bus service</b>	Ness District	£172,000	2,499	£68.50
Inadequate public transport provision- Temporary subsidy to allow <b>evening &amp; Sunday bus service</b>	Ness District	£88,000	2,499	£35.05

Inadequate road capacity – <b>Ness Castle “shared throat” portion of internal distributor and emergency accesses</b>	‘Internal’ Ness Castle (those properties using road as principal distributor access)	Total £1,250,000 £850,000 Nominal <sup>(6)</sup> distributor length & sum - 425m @ £2,000/m £400,000 400m for 2 emergency accesses with suitable bollards @ £1,000/m	622	£2,009.65
Inadequate road capacity - <b>Dores Road Distributor improvement including adequate pedestrian /cycle way and crossing provision</b>	“Internal” Ness Castle, Milton of Ness-side and adjoining properties taking direct access from Dores Road	£410,000 Nominal <sup>(6)</sup> distributor length & sum - 205m @ £2,000/m (includes an estimated £100,000 for Holm Bridge widening)	746	£549.60
Inadequate road capacity - <b>Southern Distributor Road (III &amp; IV)</b>	Area identified under Completion of SDR Phases III and IV Minute of Agreement Schedule 1 (as varied by individual s75 agreements)			£1,321

Table 2: Assumptions / Definitions

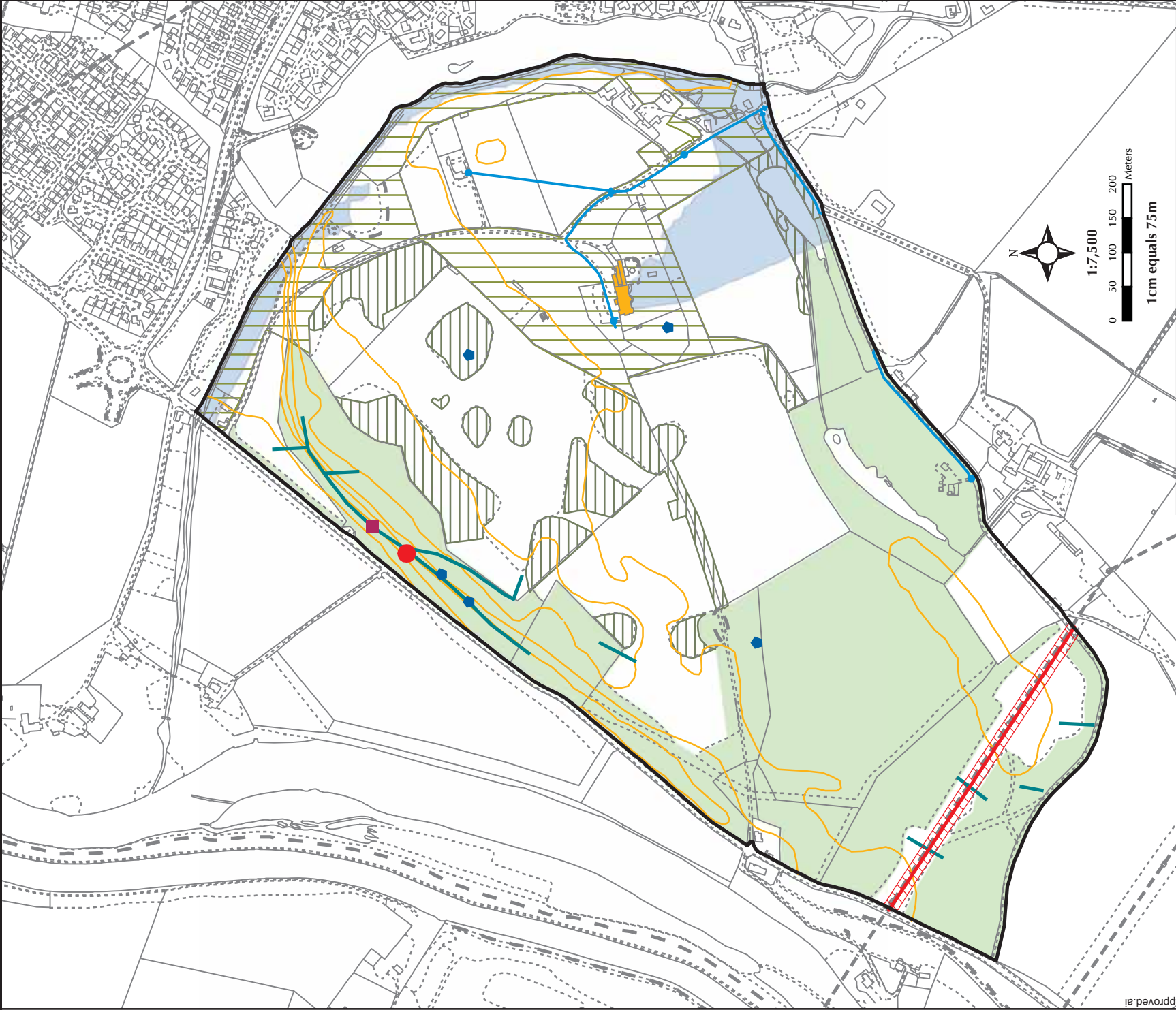
- (1) The deficiencies listed are only those common to two or more development areas including Ness Castle. This list does not include obligations to provide or upgrade site specific or “on-site” infrastructure and services. These requirements will normally be secured by planning condition and/or concluded “bond” as appropriate. Specific requirements are listed in Section 6. The District Centre allocation at Ness-side is expected to incorporate the floorspace/hectareage of community, landscaping and open space uses as specified in planning consent Ref. 98/933/OUTIN. The elements should complement rather than duplicate the provision detailed in Table 2. A medical centre is a requirement specified in the Inverness Local Plan. Any deviation from this provision will require a financial contribution from the developers of the land equivalent to the total cost of the provision of the excluded facilities elsewhere within Ness District.
  - (2) The area within which households could benefit directly from the facility or improvement.
  - (3) Current estimate (2006 prices) of cost inclusive of land acquisition, design and other fees, construction, fitting/laying out and “life-time” maintenance unless otherwise stated. These will be adjusted if and when more accurate information is available and for inflation in future years by using the most appropriate indices. The figures are indicative only and not binding on The Council.
  - (4) An estimate of the total number of existing and new houses likely to be completed within the applicable area on completion of Ness District.
  - (5) Based on an average residential unit having 100m<sup>2</sup> gross (all floors) floorspace. Actual contributions will vary on a pro-rata basis.
  - (6) The design and length of acceptable distributor road improvements are still to be designed, agreed and costed.
  - (7) In respect of the primary school element of the community school, payment will not be required until the Holm Primary School Roll has reached 90% of its permanent physical capacity. This, other things being equal will allow a two year lead in time to provide the facility. The current roll is projected to reach this figure by the 2012/13 academic year but this will depend upon the rate of development within the catchment.
- 3.6 Other common “district-wide” deficiencies will require contribution by Ness Castle developers. However, these will be the subject of separate negotiation with the relevant agency or Council service. These will include strategic sewerage network capacity improvements negotiated with Scottish Water,

negotiation with Housing Services of The Council in line with *Development Plan Policy Guidance: Affordable Housing* and negotiation with the planning authority in line with The Council’s *Guidelines for the Provision of Open Space and Play Areas within Residential Development in Inverness Area* (adjusted for the District Park contribution set out in Table 2). Land at Ness-side and Milton of Ness-side will be subject to additional developer contributions which will be specified in future planning advice most notably a requirement to contribute to the completion of the Inverness Trunk Road Link.

- 3.7 Scottish Water’s preferred sewerage solution for the Brief area is to drain flows down the Holm Dell sewer to Holm Mills and then to pump them via a new rising main to Slackbuie. Land safeguards will be required for the new main and for a pumping station and storage at Ness-side.
- 3.8 The Brief area can deliver a significant proportion of Inverness’ affordable housing requirement. The Council will require 25% of the housing to be affordable and that in accordance with the Highland Structure Plan the affordable housing should be fully integrated with the private housing. The percentage split between rented and low cost home ownership should be 2/3rds rented and 1/3rd low cost home ownership. The value of the affordable housing land shall be as set out in the relevant DPPG irrespective of tenure type. Landowners or developers should contact Housing Services as early as possible to discuss their affordable housing proposals to avoid any abortive work or misunderstandings over the implementation of the policy. The Council will expect the provision of affordable housing to be delivered evenly over all the zoned housing sites and in line with Scottish Executive Planning Advice Note 74: Affordable Housing should be indistinguishable in terms of architectural quality or detail from the private. Affordable rented housing should be dispersed in clusters of no more than 15 units.
- 3.9 Negotiation of individual planning applications and related agreements will take account of the effect of total development costs including contributions on the marketability and availability of allocated land. If developers can demonstrate by “open book” accounting or written confirmation from a third party utility that total costs make any particular proposal uneconomic then The Council will take account of this in determining any relevant application.



MAP 2 : NEIGHBOURHOOD DEVELOPMENT FACTORS



**LEGEND**

Master Plan Boundary	Tree Preservation Order
Main Power Lines & Buffer	Inventory Woodland
Annex Badger Sett	Other Amenity Woodland
Main Badger Sett	Foul Water Mains
Satellite Badger Sett	Water Mains
Badger Paths	Listed Building
Contours	Flood Risk

1:7,500  
0 50 100 150 200 Meters  
1cm equals 75m



# MAP 3 : NESS CASTLE INDICATIVE MASTER PLAN



## LEGEND

- |  |                        |  |                         |
|--|------------------------|--|-------------------------|
|  | Master Plan Boundary   |  | Existing Uses           |
|  | Dores Road Distributor |  | Woodland Safeguard      |
|  | "Throat" Distributor   |  | Public Open Space       |
|  | Internal Distributor   |  | Residential             |
|  | Indicative Access      |  | Number of Housing Units |
|  | Emergency Access       |  | Community / Open Space  |
|  | Footpath Linkages      |  | Badger Safeguard        |

## 4 NEIGHBOURHOOD FRAMEWORK

- 4.1 Ness Castle comprises undulating pasture land enclosed by policy plantings and other woodland. It therefore has **landscape** capacity to accommodate development but presents design challenges in terms of a lack of outlook and winter tree shading. As with the wider District, the pattern of safeguards and constraints shown on Map 2 shape the developable parcels of land and optimum access arrangements.
- 4.2 Distributor road **access** to Ness Castle is only practicable from Dores Road. The escarpment, known badger interests and woodland cover together with a requirement to take access as close as possible to the urban edge all suggest that the optimum arrangement is for a single distributor following an alignment close to that of the former Ness Castle Hotel existing driveway. An indicative alignment is shown on Map 3 which passes to the south west of the driveway so as to minimise the loss of the best policy woodland that lines it. However, this single point of access arrangement creates a requirement to minimise the length of the “throat” of the distributor before it forms a loop through the development area. It also creates a requirement to provide alternative emergency access points. Two points of access on to the Torbreck Road are shown indicatively on Map 3. Another design principle will be that a bus stop should be provided within a 400 metre walking distance of every house and this will shape the degree of penetration of the distributor loop within the development area. Within and adjoining this loop, individual housing layouts will be expected to follow a loose grid road/path pattern so that local connections between these home zones are direct and overlooked. The indicative routes shown on Map 3 are The Council’s preferred access arrangements. However, they do not exclude consideration of other alternatives particularly where it can be demonstrated that the preferred route is affected by a ransom issue.
- 4.3 In terms of the improvement to Dores Road the following guidance will apply. In the event that the flood scheme does not proceed or is delayed until after commencement of the housing development then the developers should fund the full cost of bringing the Dores Road Holm Burn bridge up to an acceptable standard including pedestrian provision. The minimum Dores Road improvement is reconstruction of Dores Road to provide a minimum 6m carriageway and a 3m footway / cycleway as far as the proposed access to the housing development. Partial improvement to service initial phases of development will not acceptable because of the current lack of any footway / cycleway provision.
- 4.4 The Indicative Master Plan attempts to safeguard and promote positive management of as much of the **woodland** resource that is compatible with the development of allocated land. In particular, it suggests the consolidation of the clusters of woodland on the roundels and other raised ground. Similarly, the indicative access arrangements minimise the impact on the Tree Preservation Order and offer opportunities for its reinforcement. Other new planting should screen/enhance distributor and remote footpath corridors and be restricted to non-invasive species.
- 4.5 **Badger interests** represent an uncertain element in the design framework. Survey data to date suggests that activity is concentrated on the embankment but loss of foraging land to development will be an issue. The design parameter is to sustain the social group within its current territorial boundary. Map 3 suggests that this may be possible by encouraging relocation of badger activity to the south west end of Ness Castle. Developers will be required to demonstrate the effectiveness of this proposal or any alternative they suggest.
- 4.6 The higher ground, west of the former hotel, offers the maximum outlook and is central to the residential neighbourhood. It is therefore safeguarded for public open space or other community use. Similarly, affordable housing including sheltered provision and other higher density development should be dispersed throughout Ness Castle but at locations that maximise accessibility to public transport, to the central open space and to district-wide facilities at Ness-side. Phasing of development will be expected in parallel with the provision of supporting infrastructure. At Ness Castle this will equate to phasing in accordance with completion of each section on the internal distributor and related infrastructure.



## 5 DELIVERY OF COMMON NESS CASTLE DEVELOPER CONTRIBUTIONS

5.1 Table 3 summarises the total contributions likely to be generated by allocated land at Ness Castle split by current landownership.

Table 3: Common Ness Castle Developer Contributions By Development Site

Site Ref	Owner	Capacity & Contribution/unit <sup>(1)</sup>	Total Common Deficiency Contribution <sup>(1)</sup>
1	Rapson/Daly	32 x £8,838.27	£282,824.64
2	MacRae	70 x £8,838.27	£618,678.90
3	Tyser Trust	508 x £8,838.27	£4,489,841.10
Total			£5,391,344.60

(1) Based on an average residential unit having 100m<sup>2</sup> gross (all floors) floorspace. Actual contributions will vary on a pro-rata basis according to the floorspace consented.

- 5.2 Any “windfall” housing in excess of these capacities within Ness Castle will require an equal contribution per unit. Any other commercial or profit making “windfall” development other than a neighbourhood shop within Ness Castle, will be required to provide within its boundary, or contribute the total cost of provision elsewhere within Ness District, additional public open space/landscaping and community facility provision in the same proportions detailed in District Centre planning consent Ref. 98/933/OUTIN. Extension or change of use applications will be judged on the net additional residential floorspace created. There will be no contribution for a development creating less than a total of 100m<sup>2</sup> gross (all floors) net additional floorspace.
- 5.3 Contributions will be secured by the signing of individual planning agreements with developers/proprietors in the context of each grant of an applicable planning permission within Ness Castle. It is intended that the main clauses of the agreements would:

- prevent development being occupied in advance of payments being made to The Council;
- as a general principle, require payment on completion of development or completion of each phase of development identified under the terms of any grant of planning permission but would allow for alternative payment methods such as partially or fully capitalised upfront payment upfront;
- allow for reimbursement of contributions including interest accrued should the facility or improvement for which they have been paid not be provided within a timescale stipulated in an agreement;
- set a time limit by which developers/proprietors are expected to carry out their development and thus to make contributions;
- provide for independent arbitration;
- provide for registration in the Sasines or Land Registers, as the case may be, so that the agreement would be binding upon successors in title.

- 5.4 It will be for The Council to identify from its own capital programme or other sources, the funding required for that proportion of the total cost of the facility or improvement attributable to the existing housing stock. The Council will monitor the aggregation of developer contribution monies over time to programme its contribution.
- 5.5 Direct developer provision of the facility or improvement may be appropriate in particular for the distributor road improvements. An agreed cost for such provision would then be deducted from that developer’s contributions. Similarly, developer or third party private maintenance arrangements will be an acceptable alternative for facilities.
- 5.6 The timings of payments will be subject to negotiation through individual applications / planning agreements but in respect of the primary school element of the community school, payment will not be required until the Holm Primary School Roll has reached 90% of its permanent physical capacity. This, other things being equal will allow a two year lead in time to provide the facility. The current roll is projected to reach this figure by the 2012/13 academic year.



## 6 OTHER “ON SITE” NESS CASTLE DEVELOPER REQUIREMENTS

6.1 Additional, standard, “on-site” developer requirements will occur in the consideration of individual planning applications. The Council will expect these developer obligations to be implemented as an integral part of development proposals subject to planning permission, including through conditions and/or concluded “bond” as appropriate. At Ness Castle, these will include requirements, where relevant to:

- safeguard from alternative development and preserve maintenance access to the land required in connection with The Highland Council (South West Inverness Flood Relief Channel) Flood Prevention Scheme 2006;
- produce a Badger Protection Plan including any necessary mitigation;
- produce a similar report in respect of any other protected species such as otters, bats, barn owls and red squirrels;
- produce a Green Transport (or Travel) Plan;
- safeguard from development the routes of the informal remote footpaths shown on Map 3;
- produce a comprehensive landscape management plan including woodland safeguards, set-back, and details of felling and replanting;
- follow the pattern of land use as shown on Map 3: Ness Castle Indicative Master Plan including reservation of a 1.5ha. site for public open space or community use such as a neighbourhood shop. This would include a presumption against piecemeal development that would undermine this arrangement;
- provide on-site road (including contiguous foot/cycle ways, crossing facilities and bus lay-by/stop/shelter provision) water, sewerage, and segregated household waste recycling;
- provide SUDS measures in accordance with technical guidance in CIRIA manual C521 for the disposal of surface water. Developers will be expected to present and design SUDS measures on a strategic basis. Measures should also maintain and enhance where possible the ecological value of waterbodies;
- provide incidental landscaping;

- provide “on-site” open space and play area provision in accordance with The Council’s *Guidelines for the Provision of Open Space and Play Areas within Residential Development in Inverness Area*;
- provide an archaeological evaluation and any necessary mitigation;
- produce an assessment of any development affecting the Category B listed former hotel at Ness Castle, its associated structures and their setting including any necessary mitigation;
- produce a flood risk assessment for any non-householder application that includes development on land within the published SEPA 1 in 200 year flood risk contour;
- connect to the public sewerage system;
- convey the land or wayleaves to the boundary of the adjoining landholding required for infrastructure or services at nil cost to The Council or other appropriate agency. This is to secure timeous development of the whole of Ness Castle and avoid any “ransoming” of land or related access.

