

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**REPORT OF PUBLIC LOCAL INQUIRY
INTO
OBJECTIONS TO THE INVERNESS LOCAL PLAN**

**VOLUME 2
CITY OF INVERNESS**

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INTRODUCTION TO VOLUME 2

This volume deals with objections relating primarily or exclusively to policies or proposals relating to the City of Inverness, which are contained in Chapter 2 of the local plan. Objections with a bearing on a number of locations in the City, namely:

- the route of Phase V of the Southern Distributor Road
- the Cross Rail Link Road; and
- objections relating to retailing issues and retail sites

are considered in Chapters 6-8 respectively.

Thereafter, Chapters 9-21 consider objections following as far as possible the arrangement and order in the plan. Chapter 22 considers housing land supply in the local plan area and the Council's policy approach to Green Wedges around Inverness. This sets a context for the consideration of objections relating to individual sites promoted for housing, at Chapter 23.

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ABBREVIATIONS

ABDS	Agricultural Business Development Scheme
ABIS	Agricultural Business Improvement Scheme
AOD	Above Ordnance Datum
AQMA	Air Quality Management Area
BP	Background Policy
BMW	Biodegradable Municipal Waste
BPEO	Best Practicable Environmental Option
BWS	British Waterways Scotland
CAA	Civil Aviation Authority
CD	Core Document
CLEUD	Certificate of Existing Lawful Use and Development
DDILP	Deposit Draft Inverness Local Plan
DDMILP	Deposit Draft Inverness Local Plan with Modifications
DfT	Department for Transport
DPPG	Development Plan Policy Guidance
EC	European Community
IEL	Inverness Estates Ltd
EfW	Energy from Waste
EIA	Environmental Impact Assessment
FADLP	Adopted Fort Augustus & Drumnadrochit Local Plan
FAG	Flood Appraisal Group
FLAG	Flood Liaison and Advice Group
FRA	Flood Risk Assessment
GHS	Garden History Society
GP	General Policy
(H)AWP	(Highland) Area Waste Plan
HAL	Highlands and Islands Airports Ltd
HIE	Highlands and Islands Enterprise
HLA	Housing Land Audit
HLF	Heritage Lottery Fund
HMA	Housing Market Area
HNS	Housing Needs Study
HQ	Headquarters
HS	Historic Scotland
HSCHT	Highland Small Communities Housing Trust
HSE	Health and Safety Executive
HSP	The Highland Structure Plan
HWSIP	Highland Waste Strategy Implementation Plan
ICALP	Adopted Inverness, Culloden & Ardersier Local Plan
ICTP	Inverness Caledonian Thistle properties Ltd

IMF	Inner Moray Firth
IMFHS	Inner Moray Firth Housing Strategy
INE	Inverness and Nairn Enterprise
IRBP	Inverness Retail and Business Park
ISCRN	Inverness Strategic Cycle Route Network
KPG	Kilmartin Property Group
LAQM	Local Air Quality Management
LCA	Landscape Character Assessment
LHS	Local Housing Strategy
LLCT	Local Landscape Character Type
ME	Moray Estates Development Company
MSW	Municipal Solid Waste
NCR	National Cycle Route
NID	Notice of Intention to Develop
NNR	National Nature Reserve
NOSWA	North of Scotland Water Authority
NPPG	National Planning Policy Guidance
NSA	National Scenic Area
NWS	National Waste Strategy: Scotland
OS	Ordnance Survey
PAN	Planning Advice Note
PFI	Private Finance Initiative
PPG	Planning Policy Guidance
PPP	Public/Private Partnership
pfs	petrol filling station
R & D	Research and Development
RSA	Royal & Sun Alliance
RSL	Registered Social Landlord
RSPB	Royal Society for the Protection of Birds
RTS	Round Table Session
(c)SAC	(candidate) Special Area of Conservation
SAPT	Scottish Association for Public Transport
SDR	Southern Distributor Road
SE	Scottish Executive
SEA	Strategic Environmental Assessment
SEDD	Scottish Executive Development Department
SEERAD	Scottish Executive Environment and Rural Affairs Department
SE RNMD	Scottish Executive Road Network Management Division
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SUDS	Sustainable Urban Drainage Systems
SSLNELP	Adopted Strathdearn, Strathnairn & Loch Ness East Local Plan

SSSI	Site of Special Scientific Interest
SW	Scottish Water
THC	The Highland Council
TPO	Tree preservation order
UHI	University of the Highlands and Islands
UWWT	Urban Waste Water Treatment
WFD	Water Framework Directive
WTW	Water Treatment Works
WWTP	Waste Water Treatment Plant

6. THE SOUTHERN DISTRIBUTOR ROAD – PHASE V

Objectors: Holm Community Council (24)*, Mrs M Cameron (35), Inverness Chamber of Commerce (54), Westhill Community Council (61), Lochardil & Drummond Community Council (105), Robertson Residential (107), Inverness West Community Council (111), Culcabock & Drakies Community Council (117), Mr D Kerr (140), British Waterways Scotland (147), Mrs C Mackay (172), Torvean Golf Club (202)*, Inverness Civic Trust (206), Muirtown Community Council (224), Inverness Rowing Club (235), Mr D Thompson (260)*, Mr G Tuley (263)

Procedures: Public inquiry* and written submissions

Synopsis of objections

6.1 The local plan does not reflect the clear public preference expressed for Route B. The routing promoted in the plan would result in traffic problems, particularly if a new canal crossing is not provided from the outset, require the relocation of recreational facilities, and affect amenity and navigation. The timescale and funding for the road, and its implications for the development of adjacent land, are also unclear. The alignment through Ness-side should allow public access to the river.

Factual background

6.2 The SDR is intended to link the A9(T) with the A82(T) around the southern periphery of Inverness. Phases I-IV, from the A9 to a roundabout on Dores Road, have been constructed. Phase V, which would complete the link to the A82(T), would involve crossing the River Ness and the Caledonian Canal.

6.3 Proposals Map 4B of the ICALP shows a “provisional” route for Phase V, across Ness-side, and a new link along the east side of the canal to join Glenurquhart Road to the east of Tomnahurich (Millerton) swing bridge, via a river crossing at Holm Mills. The plan states that potential traffic generation from major development proposals west of the canal would be considered in relation to the timing of any improvements at the canal crossings. At that time, the Council was investigating ways of reducing traffic delays at the Tomnahurich and Muirtown canal bridges, including another bridge, or possibly a tunnel, at each location.

6.4 A questionnaire (THC-9/7) accompanying the CDLP sought comments on 4 alternative routes for Phase V, including options for river and canal crossings. These routes, described (from south-west to north-east) as Routes A-D, are summarised on the table overleaf, and illustrated in greater detail in CD26 and CD35.

6.5 Of the 245 responses received, 35% favoured Route A, 43% Route B, 10% Route C, 8% Route D and 4% did not state a preference. However, THC agreed to endorse Routes C and D, but with Route C as the preferred route, and to safeguard this in the DDILP.

Route	Type of Crossing		Canal Headroom Clearance	1999 Cost	Corridor
	Over River	Over/Under Canal			
A	Fixed Bridge	Fixed Bridge	35m	£31M	Dores Rd Roundabout to Crematorium A82 Junction
B(i)	Fixed Bridge	Opening Lifting Bridge	12-18m	£10M	Dores Rd Roundabout to Torvean Quarry A82 junction
B(ii)	Tunnel	Tunnel	n/a	£40M	Dores Rd Roundabout to Torvean Quarry A82 junction
C	Low Fixed Bridge	Opening Swing Bridge	Min.1.5m	£10M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via canal pitches
D(i)	Low Fixed Bridge	Opening Swing Bridge	Min.1.5m	£10M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via Whin Park & Millerton
D(ii)	Low Fixed Bridge	Tunnel	n/a	£22M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via Whin Park & Millerton
D(iii)a	Low Fixed Bridge	Tunnel	n/a	£17M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via Whin Park
D(iii)b	Low Fixed Bridge	Road under Canal Aqueduct	n/a	£17M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via Whin Park
D(iii)c	Low Fixed Bridge	Opening Swing Bridge	Min.1.5m	£10M	Dores Rd Roundabout to General Booth Road A82 junction & to new Glenurquhart Rd A82 roundabout via Whin Park

Reporter's note: The crossing options in Routes D(iii)b and D(iii)c were not consulted upon, but were designed and costed in 1999 and discussed subsequently by the Council.

6.6 Policy 2:27 of the DDILP states:

“The Council will safeguard land at Ness-side, Canal Parks and Torvean for the construction of Phase V of the SDR to link Dores Road with the A82(T) at General Booth Road. This will enable either route C or D to be built in one or 2 phases and further detailed investigation of a suitable canal crossing. The Council proposes to allocate funds after 2005/6 and will seek to secure contributions towards the cost of the route from developers of land at Ness-side, Charleston and Torvean in accordance with the provisions of this Local Plan. Provision will be made as part of the accommodation works for the road to relocate any displaced uses within Council land at Torvean, or on land the Council will seek to secure for such purposes, including for reconfiguration of an 18-hole golf course, the rugby pitches, clubhouse and ancillary facilities, see (43) below. Given that Phase V of the SDR will provide a continuous link between the A9 and A82 for trunk road traffic, the Council recommend that the Scottish Executive adopt and maintain the entirety of the route as part of the trunk road network.

The Council will apply its Supplementary Policy: Southern Distributor Road Phases III and IV in order to secure developer contributions in respect of proposals located within the Agreement Area”.

6.7 Routes C and D would include a link road along the east side of the canal south of Tomnahurich Bridge. They would also cut through the part of Torvean Golf Course which lies to the south of the A82. The remainder of the course, to the north of the A82, is bisected by General Booth Road. Route D would also cross rugby pitches to the east of the canal.

6.8 Policy 2:36(iv)(b) states that development at Ness-side/Milton of Ness-side will depend (among other things) on programmed/committed funding to link the SDR with the A82, and construction of part of this route concurrent with development. Policy 2:36(v) makes the development of 55 ha at Charleston dependent on Phase V (with developer contributions expected), and on a distributor road linking General Booth Road and Leachkin Road. Policies 2:7(ii) and 2:68 expect developer contributions to Phase V in respect of the Torvean Action Area (comprising the former Torvean quarry and the golf course) and a 0.5 ha site at Holm Mills identified for community uses. Policy 2:43 safeguards 55 ha of land between the A82(T) and Charleston for the reconfiguration of the golf course, clubhouse and parking.

6.9 In considering the objections to the deposit draft plan, THC agreed to confirm Route C as the preferred route for Phase V, and to promote modifications to Policy 2:27 in the DDMILP, whereby:

- the second sentence would read:

“This will enable the route to be constructed on the alignment identified on the Proposals Map with a canal clearance of 4.5–6.0m; and linkage to Glenurquhart Road/the Bught dependent on the means of construction, related traffic and technical considerations whilst minimising the environmental impact on open space and recreational activities towards the Bught”.

- to add after “*ancillary facilities*” the words “*associated with these activities and the rowing club*” to the displaced uses for which provision for relocation would be made as part of the accommodation works; and
- to add after “*trunk road network*” the words “*The Council will investigate the requirement for traffic management measures on General Booth Road*”.

6.10 Other proposed modifications - to Policy 2:7(ii) - include making relocation of the golf course a prerequisite of development at Torvean and the construction of Phase V, and committing the Council to discussing a agreed timescale for relocation with the golf club. Policy 2:36(iv)(b) would add “*developer contribution*” to the funding necessary for Phase V, while Policy 2:36(v) would refer to “*completion of Phase V (including a canal crossing)*”.

6.11 The Council considered responses to the DDMILP (including advice from SNH that the SDR should be assessed against the likely impact on the Tomnahurich Designed Landscape and the Torvean SSSI), and other issues relating to the SDR,

including the results of TRANUS traffic modelling, between September 2003 and March 2004 (CD30, CD34, CD35, and THC-9/16). It agreed to propose the following further changes to Policy 2:27 at the inquiry:

- the addition of “*landscape features,*” after “*impact on*” in the second sentence;
- the addition of “ *The highest standards of design and fit into the landscape will be required.*” after the second sentence; and
- (in March 2004) to delete “*with a canal clearance of 4.5 – 6.0m*” from the second sentence.

6.12 In February 2004, the Council had resolved to grant outline planning permission for up to 550 houses at Westercraigs (Craig Dunain/Craig Phadrig) (THC-9/9). This resolution was subject to conditions and to a section 75 agreement limiting development to 420 houses prior to completion of Phase V of the SDR (with traffic management at the Tomnahurich Bridge). It also required developer contributions to Phase V in relation to the Craig Phadrig site; the upgrading of the Craig Dunain driveway and the improvement of its junction with the A82; improvements to the King Brude Road/Clachnaharry Road and King Brude Road/Leachkin Road junctions, and to Leachkin Road and Telford Street; and the installation of traffic lights at the A82/General Booth Road junction.

Brief summary of the main points raised by objectors

Holm Community Council

6.13 Additional development and traffic through Holm has not been accompanied by improved local facilities. The community council is therefore keen to see the SDR (which is a distributor road, not a bypass) completed. The best, not the cheapest, option should be chosen. Any route that discouraged developers from contributing to the road, or from building the proposed Ness-side District Centre, would be disappointing. In any event, the local plan should state that the road must be designed to allow public access to the river.

Mrs M Cameron

6.14 The Phase V alignment in the deposit draft plan bisects the Ness-side expansion area. The road should head north-west from the Dores Road roundabout, and then north-east along the river to allow a riverside boulevard, a linear park, and car parking.

Inverness Chamber of Commerce

6.15 This section of the plan is inadequate. A map of the proposed routes is required. The consultation exercise showed a clear preference for Route B. If Routes C or D are to be progressed, a new canal crossing should be included from the start. A firm date for allocating funds must also be identified, as delays are constraining development in the City. Phase V must be a dual carriageway.

Westhill Community Council

6.15 Routes A and B appear better than C or D and should be reconsidered.

Lochardil & Drummond Community Council

6.16 Routes C and D are very short-sighted. Phase V should be located further to the west, with a medium level opening bridge.

Robertson Residential

6.17 THC's intentions for routing and funding Phase V are unclear. It is also unclear whether the Supplementary Policy for Phases III and IV is to be applied to Phase V. That said, the objector supports Phase V, and Route C, and is willing to make an appropriate contribution towards it. However, making 55 ha at Charleston wholly dependent on the completion of Phase V is unnecessarily inflexible. The Transportation Assessment (TA, 107/5) commissioned for the Westercraigs development questions whether Phase V needs to be completed prior to this development, and recommends that the effects of traffic management at the canal bridge and the off-site road improvements ought to be monitored. Policy 2:36(v) should be modified to leave open the possibility of development at Charleston proceeding independently or in advance of the SDR, with a reassessment in 2007 that would also consider the principle and scale of developer contributions.

Inverness West Community Council

6.18 The plan should rule out further large-scale development to the west of the canal until a new permanently open canal crossing has been provided. Despite public support for a fixed bridge, the THC appears to favour a swing bridge and does not appear to have taken account of the problems of an opening bridge described in the paper "Transport Crossing of Canals" (111/1). It did not formally consult Historic Scotland (HS) or British Waterways Scotland (BWS) until 2004, although canal traffic has historically had right of way at the canal bridges.

Culcabock & Drakies Community Council

6.19 Phase V may imply dualling the rest of the SDR, with the loss of the buffer amenity area at Drakies, and impact on Drakies and Inshes estates.

Mr D Kerr

6.20 Unless a second canal bridge is built, Route C or D would not solve the traffic bottleneck at Tomnahurich Bridge, or allow development west of the canal, could encourage rat-running, and would disrupt existing recreational facilities. Route B would promote development west of the canal, cut through a spoiled brownfield site, and leave existing amenities intact. A direct link to the Charleston development from the A82 would reduce pressure on General Booth Road and Tomnahurich Bridge, and avoid the need for traffic from the west of the canal "to use the A82 to travel away from the city to access the SDR" as THC claims.

6.21 The 1968 Transport Act (147/2) obliges BWS to maintain the canal in a condition suitable for use by commercial freight vessels. It also requires owners of bridges to maintain these so as not to interfere with, or restrict, traffic using the canal. The SE (147/9) wishes to see the economic, social and environmental potential of Scotland's canal system recognised and developed.

6.22 The Caledonian Canal is important to the Highland economy, accounting for 14% of tourist spend in the Great Glen and supporting a range of leisure businesses. There are over 4,300 boat movements at Tomnahurich per year (147/8), and 2,100 bridge openings. Any new fixed bridge should maintain the current 35 m clearance above design water level that allowed the Tall Ships Race to pass through the canal in 1991. BWS has invited the Race to return in 2007, to coincide with the Highland Year of Culture. BWS also has powers and duties covering amenity, heritage, and conservation issues (147/4). The parallel tracks, level differences, and naturalised open setting of the canal and river are an especially sensitive environment and important to the city's landscape setting.

6.23 It is impossible to distinguish Route C from Route D on the DDILP Proposals Map, although the DDMILP clarifies this to some extent. However, the canal should not be viewed solely as an obstacle to the SDR. The Torvean Action Area proposal could provide a gateway to Inverness, add significant leisure and tourism opportunities, and help realise the City Vision. Phase V should be designed to enable this to be realised. In any event, Scottish Ministers would be obliged to take into consideration the reasonable requirements of navigation before confirming an order or scheme under section 75 of the Roads (Scotland) Act 1984 for a bridge or tunnel (147/3). If the navigation authority objects that a proposed crossing may interfere with navigation, the order becomes subject to special Parliamentary procedure. Accordingly, irrespective of any road alignment shown in the local plan, BWS can object, under the 1984 Act, to a canal crossing.

6.24 BWS strongly prefers a tunnel or an aqueduct because these would minimise impediments to navigation and minimise amenity and heritage impacts; there would be no need for staffing, potentially disruptive regular maintenance, or complex operating protocols; and towpath access would be maintained at existing grade. A high level fixed bridge on Route A, with the 35 m clearance required, would have a significant visual and environmental impact and details would be needed in order to form a view on whether an acceptable solution could be devised. A medium level fixed bridge would be the most unacceptable option. It would curtail navigation, and open the way for further restrictions in the future, contrary to current policies. Visual and environmental impacts might not be significantly less than for a high level bridge. A medium level opening bridge would also raise operational, maintenance, reliability, and cost issues, and require an operating protocol.

6.25 While a low level opening bridge with 4.5-6.0 m clearance would avoid the need to open the bridge for 50-60% of current boating movements, larger craft could become the norm. Again there would be operational, maintenance, reliability, and cost issues, and the need for an operating protocol. Visual and environmental impacts, while more local, would still be significant, with embankments required to

achieve the necessary clearance. The impact on existing open space of a link road along the east side of the canal should be minimised; and the road's potential engineering, heritage, and amenity impacts carefully considered at detailed design stage. The canal is a Scheduled Ancient Monument. HS (147/5-7) would prefer no new crossing of the canal at all, but regards a tunnel or aqueduct as the next best option, and a low level bridge as the best form of bridge crossing. It also states that any proposal would require an Environmental Impact Assessment (EIA) and that any works in the scheduled area (147/11) would require Scheduled Monument Consent.

6.26 In the light of the above, subject to Policy 2:27 being reworded to take account of its concerns regarding the potential impacts of the link road, BWS supports deletion of the reference to a canal clearance of 4.5-6 m, with the implied bridge crossing. However, further investigation is needed before a final alignment is fixed and a crossing agreed. Including Route D options in the general alignment search would allow these aspects to be more fully considered. No burden or blight should be placed on BWS operational land in advance of routing decisions.

Mrs C Mackay

6.27 Policy 2:27 should state that the canal crossing will be a tunnel.

Torvean Golf Club

6.28 The Club manages Torvean Golf Course under a 20-year lease from THC. It has over 800 members, recorded 5,000 visitors last year, and is used to capacity. As a non-profit making organisation, its entire income is devoted to developing its facilities. The club's lease states the course may lose land for Phase V, but does not refer to development at Torvean.

6.29 Acquisition of an alternative site for the golf course should be progressed now. While the location that THC proposes is the best available, the tortuous alignment of the boundary with the Policy 2:36(v) housing area to the west (plan 202/1) would require extensive high safety fences, and make adjoining ground unusable. Rationalising the boundary as shown in plan 202/2 would reduce this problem. However, neither of these layouts would allow holes 8 or 9 of the main course to finish near the clubhouse. Accordingly, unless an additional 9 holes and a practice area are also provided, it would no longer be possible to play a short social game on the first 8 holes. This would be a particular loss for junior and senior members and visitors, but could be resolved, at minimal cost, by altering the layout of the existing course to the east of General Booth Road. The local plan should state that the type of facilities to be provided for the club would be along these lines. This would improve the club's long-term prospects, as the existing course regularly reaches saturation point in summer and loses custom elsewhere. While plan 202/2 would give the club better facilities than it currently has, unless a short course is provided, it would be less well placed overall.

Inverness Civic Trust

6.30 An in-depth traffic and engineering comparison of the possible routes, not a presumption in favour of the cheapest (Route C or D), is required. River and canal

crossings should be built before any major developments are completed north and west of the canal. Any bridge would be prominent, and must be of outstanding design. Adding “*dependent on the means of construction, related traffic and technical considerations*” to Policy 2:27 without also stipulating the need for outstanding design favours the cheapest option, regardless of appearance.

Muirtown Community Council

6.31 Local opinion overwhelmingly favours Route A or B. Route C or D would be a short-term expedient, with a second canal crossing only a possible future addition. New development to the west of the canal requires an additional canal crossing. Any new development at Torvean would increase the need for such a crossing.

Inverness Rowing Club

6.32 Policy 2:27 in the DDILP does not provide for the relocation of the club’s boathouse, which is located on the north bank of the canal, west of the golf course. While the proposed modified policy allows the objection to be conditionally withdrawn, until the route for Phase V is confirmed, the Club will be unable to build a much-needed replacement building.

Mr D Thompson

6.33 Although Route C would allow more allocated land to be developed, it would be short-sighted to choose it. Route B would provide greater opportunities for Inverness to expand to the south-west, and a better basis for future long-term expansion. THC should be looking 50 years ahead. Robertson Residential’s proposal to improve the existing Craig Dunain driveway, which the objector accepts would reduce pressure on General Booth Road, would also allow Charleston-Scorguie traffic to access the SDR without travelling away from the city. The outcome of the route consultation exercise should be given considerable weight. If Route A was excluded from consideration, its supporters would probably transfer their support to Route B, increasing its level of support to 78%. The top of a medium level bridge would be below the top of the Torvean esker and blend well into it. THC officials stated in 2001 (CD26) that it would avoid a major incision of the SSSI. While the bridge might be higher than the esker when open, it would be closed for 99% of the time. It would be surprising if its impacts were comparable to those of a high level bridge. CD35 shows that approach embankments at Ness-side would take up relatively little land.

6.34 The traffic appraisal results summarised in CD35 show Route A with 4 top scores, Route C with 5, and Route B with only one. However, on the 10 comparator locations chosen, Route B has the best overall average. If Route A, which is not a runner in anyone’s book, is excluded, Routes C and B would be much closer, with 6 and 5 top scores respectively. Moreover, THC’s figures are based on modest economic and population growth, whereas substantial growth is forecast in the Inverness area. This increases the need for a road that will act as much as a bypass as a distributor road, and the case for Route B. Route C might not be best if higher growth was applied.

6.35 Considered overall, Route B is also the best option on cost grounds. A canal crossing must be built from the outset. Route C (with a medium level bridge) would cost £10 m at 1999 prices, the same as completing Route C with a low level opening bridge. It is unlikely that the £2.5 m developer contribution that THC suggests could be secured for Route C would be reduced by more than £1 m if Route B was chosen. If the SE did contribute, it would probably do so for Route B or for Route C. THC has under-estimated the costs of relocating the golf course and other sports facilities. When this is also taken into account, any difference between the 2 options is likely to be insignificant. Moreover, deferring consideration of the type of canal crossing places a huge question mark over financing the entire project. A tunnel or an aqueduct on Route C would require an additional £7 m (THC-9/9). It is therefore questionable whether Route C can be supported without knowing how the canal is to be crossed, what the cost will be, and how this is to be met.

Mr G Tuley

6.36 Route C or D would disrupt the golf course and rugby pitches, channel traffic towards the city centre, and encourage inappropriate development at Torvean. Route B should be chosen. Locating the taller bridge towers on the Torvean side of the canal, close to the higher ground, would minimise their visual impact. The river bridge should be approached on a gradually rising, landscaped, embankment from Dore Road, and thereafter on a raised section of road, with recreational facilities beneath. The road through the quarry should be in a cutting, passing under the A82, with a grade-separated interchange to avoid disrupting traffic flows, and a roundabout at General Booth Road. Provision should be made for walkers and cyclists and a car park in the quarry could also serve as a park and ride facility. Unlike a bridge, a canal tunnel could be damaged by movement associated with the Great Glen fault and would require to be pumped to keep it dry.

Summary of the Council's response to the objections

6.37 It is important that the local plan safeguards a corridor for the road, in order to justify the six figure sum that will be required for further design work. None of the objectors disputes the need to build Phase V and many want it built as a matter of urgency. The broad Route C corridor has been the accepted route for over 20 years. The Reporter who conducted an inquiry in 1981 into objections to the Inverness Local Plan (THC-9/5) concluded that there was not enough information to justify spending substantially more money on the Torvean route and that the Council's preferred route carried less risk of increasing congestion at the canal swing bridge. The Reporter at the 1993 inquiry into objections to the current adopted plan also confirmed the Council's preferred route (THC-9/6). The only changes in circumstances since then are that Phases I-IV have been completed, pressure for development has increased, and there is less public money available for road building. There is also an urgent need to bring forward more housing land.

6.38 Only Routes C and D would avoid the need for northbound traffic to cross the canal as well as the river, solve the bottleneck at Tomnahurich Bridge, and open up land for development at Charleston. A new canal bridge would allow at least one bridge to be open at all times, with variable signs to direct traffic. Public support for Routes A and B appears to be based on the view that Phase V should act as a trunk

road bypass, and that most of the traffic that would use it would have an origin and destination outside the city. However, while the precise balance of extraneous to internal journeys would vary according to the alignment chosen, the nature of the crossings, and the size and location of any new significant traffic generators, Phase V's main functions would be to reduce congestion in the City Centre and distribute traffic across the city. The TRANUS assessments undertaken to date indicate that over 85% of trips on any of the routes would have an origin or destination within Inverness. They also indicate that 15% of the City bypass trips that would use Phase V would be attracted to Route C, 13% to Route B, and 12% to Route A.

6.39 The assessments also show that Route C would be most attractive to motorists overall, followed by Route B and then Route A. Without Phase V, traffic on Tomnahurich Bridge is likely to increase by about 1,000 vehicles per day by 2021. Route A would reduce this increase to 600 vehicles. Route B would increase it by 1,500 vehicles, while Route C would reduce the flow to about 1,000 less than the 2001 figures. Any of the options would have a negligible effect on traffic flows on Friars Bridge. Route C would reduce traffic on Ness Bridge by 9%, and Route B by 11%. Conversely, traffic flows on Glenurquhart Road would increase if Routes B or C were constructed, while Route A would have a neutral effect. Increased traffic there, combined with the reduction in traffic on Ness Bridge, indicates that those travelling between the south of the city and the Ardross Street area would use the SDR river crossing rather than Ness Bridge. This is consistent with the forecast reduction in traffic on Dores Road. None of the modelling indicates that rat-running on Maxwell Drive/Dochfour Drive would increase. Overall the SDR has a design life to 2015. Any need for dualling would be assessed in the context of long-term transport initiatives for the city. Assuming modest growth is sensible and realistic. Although Inverness is bucking the trend, Highland's population is projected to fall.

6.40 The conditions proposed for the Westercraigs development stem from an audit of the Robertson Residential TA which concluded that there would be large delays at the Tomnahurich bridge without Phase V, and that Westercraigs would make these worse. Most of Robertson's landholding will be accessed via upgraded Craig Dunain and Leachkin Road accesses. A distributor road from Charleston to General Booth Road will be constructed as part of the Charleston development. While a direct link from Charleston to the A82 would relieve General Booth Road, the latter is a distributor road and will continue to operate well within capacity, irrespective of the route of Phase V. Policy 2:27 in the DDMILP provides for possible traffic calming there, and the junction of Route C with General Booth Road would be an improvement on the present arrangement. A link from Charleston to the A82 would attract Nevis Park, Balnafettack, Leachkin and Kinmylies traffic to use Leachkin Road, which is not built to distributor road standard. In any event, this would be difficult to achieve as the owner of part of the greenfield component of the proposed Charleston allocation (including land intended for relocating the golf course) does not want to release it for housing.

6.41 The proposed modifications to Policy 2:27 also increase the emphasis on design and landscape, and delete the reference to completing the road in two stages. While the latest proposed wording does not state explicitly that the road would be completed as one scheme, a statement to that effect would be consistent with the Council's intentions. There would be mayhem at the Queen's Park junction if a new

bridge was not provided, and considerable disruption if a new bridge was built after a first phase of the road was open. The Council has agreed that Policy 2:36(v) should make clear that development west of the canal will depend on the prior completion of Phase V, as recommended by the Reporter at the last local plan inquiry. However, this policy should be further amended to reflect the resolution regarding Westercraigs.

6.42 A second swing bridge would address criticisms regarding restrictions of emergency vehicle access across the canal, and criticisms of swing bridges as an inhibitor to traffic flows. The Council had thought in April 2003 that Route C was unsuitable for a tunnel or an aqueduct, but has now concluded that either would be technically feasible. However, it is opposed to expressing a preference in the plan for any particular solution. Leaving options for the canal crossing open until design, planning and legal issues are progressed should reassure objectors who are more concerned about avoiding additional interference to canal and road traffic than about the alignment of the road. Consideration of the potential archaeological impact on the canal is also better deferred until the engineering details are known. HS was consulted throughout the preparation of the plan, and did not object. It has indicated verbally that it would prefer to comment when it has details of the road scheme.

6.43 Leaving open the possibility of a tunnel/aqueduct would require a crossing point slightly further to the east than shown in the DDMILP City of Inverness West Inset Proposal Map, as an approach road would have to be at least 125 m from the canal to give a longer run in. The Map should therefore be adjusted to allow for this. However, a tunnel/aqueduct would pose greater technical risks relating to soil conditions, groundwater, and flooding from the river, than an above ground option, and greater financial risks. Costs depend on the complexity of the solution, which can only be confirmed after detailed design work. While recognising the statutory importance of selecting a solution that would minimise any additional interference to canal navigation (THC-9/8), THC does not wish the local plan to assume that any increase in interference must be avoided. However, if further work reveals that a tunnel/aqueduct is deliverable, this objective could be secured.

6.44 While it is difficult to make effective comparisons without engineering details, the amenity impacts of Route C would be no worse, and possibly better, than the alternatives. A bridge on Route A and B would dominate popular river and canal-side footpaths, and views down the Great Glen (THC-9/3). Routes A and B would also bisect the Ness-side site, reduce the potential for junctions on the west side of the road, involve a greater landtake, and bridge approach embankments would detract from the amenity of adjacent properties. To achieve the 6% gradient required would involve a 16 m high embankment to the south of the river, and a 20 m high embankment to the north, with a maximum embankment width (at the river bank) of 50 m (for a 12 m high bridge, and 65 m for an 18 m high bridge. West of the canal, Routes A and B would cut through the landscape. Route B would cut a 10 m deep notch, up to 50 m wide, through the geologically significant Torvean esker SSSI, although THC accepts this would not be a major incision. As engineering works on the Route C corridor would be substantially at grade or below ground, its visual impact would be less significant. The new road alignment through Ness-side should be designed to enable the optimum layout, and balance the potential for development and amenity. Subject to detailed assessment, this might best be achieved by the route indicated in the DDMILP Proposals Map, with a parkland buffer by the river.

6.45 As far as claims that Route B would maximise the development potential of Torvean Quarry are concerned, subject to the agreement of the Scottish Executive Road Network Management Division (SE RNMD) the quarry floor that is the most developable part of the site could be accessed direct from the A82. Taking Phase V through the quarry might increase the site's prominence and improve its marketability, but would sever part of that area.

6.46 Policy 2:27 places the onus on THC to ensure the suitable relocation of all displaced uses and discussions have taken place with the parties concerned. While there could be scope to improve compatibility between the boundary of reconfigured golf course and the adjoining housing area, the arrangement shown in plan 202/2 could affect the line of the proposed link to General Booth Road. The land occupied by holes 9-15 of the existing course would be a possible alternative site for the rugby pitches, which might have to be relocated if a tunnel/aqueduct option was selected. In any event, the starting point in negotiations with the golf club would be the "equivalent reinstatement" that THC would be obliged to provide.

6.47 Given the strategic significance of Phase V in opening up development land on the southern fringe of the city, it is vital that a route is chosen that is deliverable by 2011. NPPG 17 expects land to be safeguarded only if construction is expected to commence within the plan period, and there is some certainty regarding funding. The choice of the "best" route must therefore take account not only of environmental and traffic impacts, but also what is practicable and deliverable by 2011. Even taking account of the further design work and other assessments required, including an EIA, the need to obtain BWS agreement to a canal crossing, scheduled monument consent, and possible public local inquiries, Route C is deliverable by 2011.

6.48 While Route B and Route C (including a new bridge) would cost much the same, only Route C is likely to attract the funding required for construction by 2011, albeit towards the end of the plan period. Without an unforeseen contribution from the SE none of the other options is deliverable within this timescale. Phases III and IV were only constructed after painstaking negotiations with landowners and developers (THC-9/11) and their total cost will be recouped from developer contributions. The final sentence of Policy 2:27 refers to outstanding contributions towards these Phases, not to Phase V. Without this funding, allocated land would not have been made effective and it would have been more difficult to resist development pressures on green wedge land. The development value of land "opened-up" by the route corridor therefore plays a significant role in determining the relative financial feasibility of the routes. In this case, affected landowners and developers have indicated that they are more supportive, and therefore more likely to contribute to, Route C than to Route B. This support, likely to be of the order of £2.5 m, stems from the greater severance and landtake at Ness-side associated with Routes A and B.

6.49 New recreational facilities have to be provided 2 years in advance of roadworks starting so that they are usable by the time the existing facilities are disturbed. The costs of relocation with Route C were underestimated in 1999, although not to the extent some objectors allege. Allowing for inflation, these costs could exceed the £2 m that THC has allocated for the purpose in its draft capital programme for 2006/07, if the rugby pitches have to be relocated. The balance of the

funding required is not yet in place as the road cannot be designed until the route is known. If a tunnel/aqueduct was chosen for Route C, THC would do its best to find the additional £7 m required. On the basis of SE's comments on funding improvements to the A96 (CD10), any SE contribution would probably only be made on the grounds of relieving city centre congestion.

Conclusions

6.50 I adopt the account of the factual background in paragraphs 6.2-6.12 above.

6.51 NPPG 17 states that local plans should review transport proposals; that blight should be kept to a minimum by including in plans only schemes intended to be commenced within the plan period; and that this will include schemes upon which the development strategy depends, even if the method of funding is uncertain at the outset. However, it advises that schemes in an advanced stage of preparation and/or in committed programmes should be included in local plan Proposals Maps, with other schemes meriting only description in the text. NPPG 17 also expects local plans to appraise the effects of road proposals for their setting, taking into account implications for the natural and built environment, including its historic and archaeological aspects; and the extent to which they can enhance this; or, if not, to demonstrate that all non-damaging alternative options have been considered, and how any adverse impacts might be mitigated.

6.52 PAN 49 states that the objective should be to prepare local plans that, among other things, are realistic; and that policies should take account of the resources available to support new development.

6.53 The HSP states that housing allocations in the first half of the structure plan period require priority to be given to certain infrastructure provisions. These include funding for the SDR, which the plan describes as critical for the town's future growth, and the Tomnahurich canal crossing. THC intends the construction of Phase V to begin within the local plan period, which extends to 2011. In considering the issue of safeguarding a route in the plan, potential environmental and traffic impacts, and the practicality of achieving this date have all to be taken into account.

6.54 The ICALP identifies a provisional route for Phase V similar to Route C, which is the Council's preferred option. The previous, 1982, local plan indicated a similar route. However, a local plan review is an opportunity to reassess proposals in an existing plan, in the light of changes in circumstances. At the time of the 1981 inquiry, a Torvean route was estimated to cost substantially more than a canal-side route, which, at that stage, did not include a new canal crossing. The scale and disposition of land allocations and traffic predictions at that time are also likely to have been significantly different from those that apply now.

6.55 THC proposes to remove from Policy 2:27 any reference to the possibility of constructing Phase V in 2 phases, and accepted at the inquiry that leaving a second canal crossing until a later stage would cause serious operational difficulties. I agree that relying on the existing swing bridge as the sole mean of crossing the canal would be unsatisfactory, even as an interim solution. Accordingly, if Route C and/or D are identified in the plan, the policy should make clear that a second canal crossing would

be provided from the outset. Any appraisal of options ought therefore to proceed on this basis.

Financial considerations

6.56 The cost of constructing Phase V is likely to be higher than the estimated figures considered at the inquiry, which were produced in 1999, and take no account of inflation. However, these figures still represent a reasonable basis for comparison. On this basis, the cost of Route B (with a medium level opening bridge) and Routes C and D (including a second opening swing bridge) would be broadly similar, namely £10 m at 1999 prices, although the Council accepts that this probably underestimates relocation costs. A tunnel or aqueduct on Route C or D would increase the total estimated cost to £17-22 m, compared with £40 m for a tunnel on Route B. Route A, with the high level opening bridge that appears to be the only practical option, is estimated to cost £31 m.

6.57 At the time of the inquiry, THC had allocated £2 m for relocation works, for 2006/07, in its draft capital programme. No other funding had been agreed for road construction, and approaches to the SE for assistance do not appear to have met with an encouraging response. However, THC expects to secure developer contributions, and that these would be greater if Route C was selected. Robertson Residential has expressed a willingness to contribute to Phase V in principle, and a preference for Route C. Objections 128 and 136, from landowners at Ness-side, considered in Chapter 19.2, support Routes C or D. Tesco Stores plc (whose objections are considered in Chapter 8: Retailing Policies and Proposals) did not object to the DDILP proposals for the SDR. It stated at CDLP stage that the plan should make clear that any large scale retail development at Ness-side would be expected to contribute significantly to Phase V.

Traffic and land release considerations

6.58 Given the need for significant further design work, and the procedural and technical complexities likely to be encountered in this type of project, there is no guarantee that Phase V would be completed by 2011, irrespective of the route that is selected. However, a good quality link road between the A9 and the A82, around the southern periphery of Inverness, to cater for cross-city and through traffic without adding to pressures in the city centre and on radial routes, is likely to have significant traffic advantages. Despite funding uncertainties, it is also important to the overall development strategy. The HSP recognises that significant land releases at Inverness, a significant proportion of which are allocated in the current adopted plan, depend on a new river and canal crossing. Identifying and safeguarding a preferred route for the road in the plan would allow progress to be made in all these respects. The structure plan does not encourage longer-term expansion to the south-west along the A82, but refers to the A96 corridor as providing an opportunity of linking new housing to business opportunities associated with the airport and rail link to Inverness and Nairn.

6.59 The consultation exercise at the time of the CDLP resulted in a preference for Route B, by a significant margin. As the consultation documentation issued by the Council described Phase V as “a by-pass for Inverness”, it would not be surprising if respondents had understood this would be the road’s primary purpose. Paragraph 2.5

of the local plan contains a similar reference. However, while the completed road would carry some through traffic, as its name suggests, it would serve primarily as a distributor road, and extend through the built-up area on the periphery of the city.

6.60 The TRANUS results included in CD35 represent the only technical traffic comparison of alternatives. These give all-day traffic/neutral season flows at 2021 on Routes A, B and C, from a 1991 base year, assuming modest economic/population growth, and that Phase V is completed during the period 2006-11. They also take account of land allocations and transportation policies in the DDILP, including completion of the Cross Rail Link Road and city centre pedestrian priority measures. Not all of these assumptions may be realised in practice, or at least in the sequence assumed. CD35 also states that a TRANUS model for peak hour and peak season conditions was still under development, and that the micro-simulation model that would provide junction-by-junction information could not be commissioned at least until the second half of 2004. That all said, the work done to date is helpful, as a broad brush comparison. A higher economic or population growth rate would tend to affect all the options, and the use of TRANUS outputs in the micro-simulation model reduces the prospect that it would predict a radically different outcome.

6.61 These results indicate that Route C would best fulfil the role of a distributor road, attracting more cross-river and intra-city journeys, and reducing traffic on pressure points such as Tomnahurich Bridge, Dores Road, Kenneth Street, and around the Inshes Roundabout, to a greater extent than the other options. There is no evidence that the rat-running feared by some objectors would occur, or that General Booth Road would become overloaded, even without the upgraded Craig Dunain/A82 link that is now intended as part of the Robertson Residential Westercraigs development. Routes A and B would generally perform less well as a distributor road, although a Craig Dunain/A82 link could well increase the attraction of these outer routes, by eliminating the need for some traffic from the Westercraigs/Charleston area to “backtrack” to access the SDR. However, with Routes A and B, northbound traffic heading for the City Centre would still require to cross the canal at the Tomnahurich Bridge, but on Routes C or D could avoid a canal crossing. While Route A in particular would capture more of the through traffic, the road is not intended to serve primarily as a bypass. As the comparator locations are unlikely to have equal significance in traffic flow terms, adding top scores or best average performance is likely to be an over-simplification. The Charleston link that some objectors suggest seems unlikely to be a practical proposition. It could also have undesirable local traffic effects.

6.62 The TRANUS assessments do not include Route D. However, this is essentially a variation of the canal side/Glenurquhart Road option that forms part of Route C, but with an upgraded Whin Park link, and a less direct connection to General Booth Road. In the absence of any evidence that its performance in traffic terms would be significantly better than Route C, and the serious disruption to Whin Park, the only reason to retain it as a possible option would be to provide greater flexibility.

Navigational considerations

6.63 All parties accept that any new fixed crossing of the canal (which is suggested only on Route A) ought not to reduce the 35 m clearance above design water level that currently exists. On Route B, the evidence given is to the effect that the relationship between the river, the canal, the Torvean Esker, and the A82, means that any opening bridge would require a 12-18 m clearance.

6.64 THC no longer wishes Policy 2:27 to prescribe or imply the type of canal crossing intended on Route C. I have no evidence that any of the 3 crossing options discussed are not technically achievable. Given the economic importance of the canal to the Inverness area, it would be desirable, other things being equal, to minimise interference with navigation. However, considerable technical investigations are still required in order to fully assess crossing options. Accordingly, if Route C was to be confirmed as the preferred route, it would be prudent not to specify the means of canal crossing at this stage, notwithstanding the fact that this would leave some financial and navigational issues still to be resolved.

Visual, nature conservation and historical/archaeological considerations

6.65 Routes A and B would require substantial earthworks on each side of the river and the canal to achieve a suitable gradient for a bridge crossing. Route A, even if well designed, would be likely to dominate its surroundings, including at Holm, and Ness-side, and detract from important views down the Great Glen from the canal, its towpath and the river margins. Each of these routes would also affect the Torvean SSSI, although the report to the Council in April 2003 accepted that Route B would avoid a major incision in the landform of the esker. The SSSI is designated on account of its geological interest, but has already been affected by quarrying. While inevitably prominent, a carefully designed medium level bridge need not have a serious impact on views down the Great Glen. However, it would have a significant visual impact on Holm, and on Ness-side.

6.66 A road on the Route C corridor need not physically impinge on the SSSI, and it should be possible to avoid any significant impact on the Tomnahurich Cemetery designed landscape. As engineering options would be largely at grade or below ground, its wider visual impact would also be likely to be less significant than either Route A or Route B. However, its localised visual impact on its immediate surroundings would be significant, particularly on the canal towpath, and public recreational facilities and open space. Any works within the scheduled area of the canal would raise archaeological issues, and are likely to require SMC. The nature and extent of these effects and the scope for mitigation, could only be determined after detailed investigations.

Recreational and amenity considerations

6.67 Recreational routes, including the Great Glen Way, follow the towpath. Route A or B would not affect other existing recreational facilities. However, Route C would cut through Torvean golf course and its associated buildings and would affect the rugby pitches (if a tunnel/aqueduct is provided), and the rowing club premises. It

would also separate the canal towpath from adjoining public open space and, as a result, diminish the recreational enjoyment of both.

6.68 Policy 2:27 commits THC to making provisions for relocating displaced recreational facilities as part of the accommodation works for the road. This would apply, irrespective of the level of any developer contributions. I find that the plan goes as far as it reasonably can in this regard, and that specifying the nature and form of reinstatement of the golf course, which is currently separated into 3 parts by main roads, would be overly prescriptive. This would be better left to a later stage, when the road has been designed, and any requirement for replacement rugby pitches is known. Altering the adjoining boundary of the Policy 2:36(v) area could also make it more difficult to achieve the distributor road linking General Booth Road with Leachkin Road that is envisaged in the policy, and in the adopted local plan. The “equivalent reinstatement” that the evidence indicates the Council would be legally obliged to provide is a matter for legal judgement in the context of the relevant statutory provisions.

Implications of the Phase V route for the development of adjoining and other land

6.69 The straight approach alignment and embankments likely to be required for the type of river/canal crossing compatible with Route A and Route B would constrain layout options, and would involve a significantly greater landtake at Ness-side than Route C. It is therefore not surprising that the first 2 routes are not favoured by the landowners and developers that would be affected. Route C would also be better placed to take advantage of the amenity potential of the Ness-side riverfront aspect, particularly if the type of curving alignment indicated diagrammatically in the modified plan was to be chosen.

6.70 As the former Torvean Quarry fronts onto the A82, any future development there need not depend on the SDR. Development of the remainder of the Torvean Action Area is directly associated with the construction of the road, and would require to await this.

Reporter’s note: the construction of Phase V also has implications for the timing of development at the Craig Dunain Action Area (which is the subject of Policy 2:7vi)) and at the Ness-side and Charleston Expansion Areas (which are the subjects of Policies 2:36(iv) and 2:36(v)). These matters are considered in Chapters 10.3 and 19.2.

Other considerations

6.71 It is impossible to foresee all eventualities. However, there is no technical evidence that challenges THC’s response that a 7.3 m distributor road would have a design life to 2015. On this basis, there is no obvious reason for this local plan to propose or make provision for a dual carriageway. That said, as 2015 is only 4 years beyond the end of the local plan period, it would be prudent for the council to reappraise the design life of the road before finally committing itself to a scheme.

6.72 THC’s response to the Robertson Residential objection to the reference in Policy 2:27 regarding the Supplementary Policy for Phases III and IV indicates this

latter policy will apply only within the Agreement Area that has been identified in relation to these particular Phases. Policy 2:27 does not make this wholly clear, and would benefit from clarification.

6.73 There is no evidence that a tunnel could not be designed to withstand any tectonic movement that might occur.

Overall assessment

6.74 Despite the uncertainties regarding funding, completion of an A9-A82 link is of fundamental importance to the achievement of the plan's development strategy. The plan ought therefore to safeguard a preferred route for the road, and indicate this on the Proposals Map. If no route is shown, this would add to delays, perpetuate uncertainty, and increase the potential for blight. Until a route is identified, there is little prospect that the detailed design work that is required to select the most suitable means of crossing the canal would be commissioned.

6.75 Identification of a preferred route is not easy, and all the options have advantages and disadvantages – Route C and/or D would require the relocation of recreational facilities, the link road would impact on the canal parks and enjoyment of towpath, and raise significant archaeological considerations. However, THC intends Policy 2:27 to include safeguards designed to minimise the impact of the road on the landscape, the environment, open space and recreational activities and “the highest standards” of design. The evidence indicates that Route C is likely to perform best in terms of its intended function, albeit by a lesser margin than THC claims, and in terms of facilitating the pattern of land release proposed in the adopted plan, and which has already commenced. It would be highly undesirable to disturb this pattern at this stage, without compelling reasons. Option A in particular could also be interpreted as suggesting that the future direction of the City's growth would be to the south-west, on the opposite side of the river and canal from the airport, station, and the A9. This would be inconsistent with the HSP, which suggests a different option.

6.76 Having had regard to all these matters, I conclude that the local plan should safeguard Route C. The need to retain a degree of flexibility at this stage, while minimising blight, could be addressed by wording Policy 2:27 to make clear that the route shown in the plan is a general alignment, and by employing a plan notation (such as hatching) in the vicinity of the canal crossing.

Recommendations

6.77 I recommend that:

(1) Route C is shown in the City of Inverness West Inset Proposals Map on the basis recommended at paragraph 6.77.

(2) Policy 2:27 is retained, and reworded along the following lines:

“The Council will safeguard land at Ness-side, Canal Parks and Torvean for the construction of Phase V of the SDR to link Dores Road with the A82(T) at General Booth Road. This will enable the road to be constructed on the

general alignment identified on the Proposals Map as one scheme, including a new canal crossing; and linkage to Glenurquhart Road/the Bught dependent on the means of construction, related traffic and technical considerations. The road will be designed to minimise the environmental impact on landscape features, and on open space and recreational activities towards the Bught. The highest standards of design and fit into the landscape will be required.

The Council proposes to allocate funds after 2005/6 and will seek to secure contributions towards the cost of the route from developers of land at Ness-side, Charleston and Torvean in accordance with the provisions of this Local Plan. Provision will be made as part of the accommodation works for the road to relocate any displaced uses within Council land at Torvean, or on land the Council will seek to secure for such purposes, including for reconfiguration of an 18-hole golf course, the rugby pitches, clubhouse and ancillary facilities associated with the activities and the rowing club, see (2:43) below. The Council will also investigate the requirement for traffic management measures on General Booth Road.

Given that Phase V of the SDR will provide a continuous link between the A9 and A82 for trunk road traffic, the Council recommend that the Scottish Executive adopt and maintain the entirety of the route as part of the trunk road network.*

In respect of Phases III and IV, the Council will apply its Supplementary Policy: Southern Distributor Road in order to secure developer contributions in respect of proposals located within the Agreement Area”.

*This sentence is at the Council’s discretion.

(3) the modifications to Policy 2:7(ii) reported at paragraph 6.10 and included in the DDMILP are accepted

7. THE CROSS RAIL LINK ROAD

**Objectors: Crown Community Council (265)*, Inverness Chamber of Commerce (54),
Inverness Civic Trust (206), Mr G Tuley (263)**
Procedures: Public inquiry* and written Submissions

Synopsis of objections

7.1 These objections question the need for the road, and its value; and raise issues of woodland impact and traffic management in the Crown area.

Factual background

7.2 Policy 2:28 of the DDILP states:

“The Council propose to extend the inner relief road network with construction of the Cross Rail Link between Millburn Road and Longman Road/A82(T) during 2005/06, without prejudice to development of land for railway operations. This will include a traffic management scheme for Midmills Road/Kingsmills Road and adjoining routes”.

7.3 The 1:25,000 scale City of Inverness West Inset Proposals Map in the DDILP shows the line of the proposed road. In the DDMILP, the road line is shown, at a larger scale, on the City Centre Inset Proposals Map. It would leave Longman Road opposite the police station and cross railway lines and existing and former railway land to join Millburn Road opposite a steep wooded embankment rising up to Auldcastle Road. The Proposals Map in the DDMILP indicates that a section of Longman Road and Millburn Road adjacent to the new junctions would be realigned.

Brief summary of the main points raised by the objectors

Inverness Chamber of Commerce

7.4 The Chamber has severe doubts about the value of this proposal, and grave concerns that it will exacerbate traffic problems where it joins Longman Road.

Inverness Civic Trust

7.5 The Trust remains unconvinced of the need for this proposal, which is not necessary for a pedestrian priority scheme in Church Street, Union Street, and Queensgate and for some improvements in Academy Street.

Mr G Tuley

7.6 The traffic management scheme is not shown on the Proposals Map, or mentioned in the Millburn District section of the plan, and could increase traffic. THC's current proposal would require the removal of part of the wooded escarpment at Millburn Road, which is protected by a tree preservation order (TPO). Policy 2:45 of the plan refers to a project to

secure/enhance trees and parks in Inverness, and maintaining interlinked green spaces and corridors throughout the urban area. Any road improvement should enhance this attractive woodland feature, and there should be a tunnel under the railway, not a bridge.

Crown Community Council

7.7 The Community Council's view that the highest priority should be given to completing the Cross Rail Link Road in 2005/2006 is conditional on a study to provide a basis for effective traffic management and traffic calming in the Crown area. These measures are well overdue, and are pivotal to the development of a long term transport strategy for the City. Crown's central location means it will continue to suffer increased traffic as a result of development in the City Centre. Delays and indecision regarding infrastructure strategies have added to congestion, traffic danger and inconvenience. Unless there is proper traffic management, rat-running problems are likely to increase when the link road is built. The local plan ought to refer to the planning condition THC has agreed to impose on the planning permission it has resolved to grant for the new road (THC-9/18), which requires traffic management measures to be completed before the road opens.

Brief summary of the Council's response to the objections

7.8 The purpose of the link road is to decongest the City Centre, relieve Academy Street of traffic, improve access and allow enhancement. While some improvement could be secured in Academy Street ahead of the link, the overall environmental benefits cannot be achieved without substantial diversion of traffic. The TRANUS traffic model used for the SDR assumed that the Cross Rail Link Road was already in place, but the construction of the link is not dependent on the SDR. A tunnel is not a viable option. Although THC has made capital allocations to allow the road to be completed in 2005/06, Network Rail has granted long leases on some of the former railway land, and land assembly problems mean that this date could well slip.

Conclusions

7.9 As Policy 2:27 and THC-9/14 indicate, the Cross Rail Link Road is intended to serve as an inner relief road, routing traffic around the City Centre, rather than along shopping streets. Associated objectives include improving environmental conditions, particularly for pedestrians, in streets that are relieved of traffic. A route close to the City Centre is likely to be more attractive to traffic, and thus serve this purpose better than a more circuitous diversion. The evidence indicates that the link road is not dependent on completion of the SDR, although the traffic benefits for Inverness as a whole are likely to be maximised when both schemes are completed. I have no technical evidence that the expectation in THC-9/13 that the new Longman Road junction should operate within capacity is ill-founded.

7.10 Constructing any new road close to a city centre is likely to be complex, due to the presence of existing properties, and their access requirements, amenity considerations, and the need to adhere to engineering standards. The need to negotiate railway lines in this case is an added complication.

7.11 Details of road construction are a matter for the development control process and I would not expect to see traffic managements measures spelled out in a local plan. However, the plan ought to refer to the basic principles that are intended to be followed in executing a

scheme. In this regard, the wooded escarpment that rises up from Millburn Road is a prominent and distinctive landscape feature. The local plan ought therefore to make clear that any impact on this woodland by road construction will be minimised as far as engineering considerations allow, and off-set as far as practicable by improved management of the remainder of the wooded area. THC-9/18 indicates that the Council is in a position to undertake a management scheme. These measures ought to make it possible to avoid serious damage to the amenity of the area, and the need to consider a tunnel, which seems unlikely to be feasible in any event.

7.12 Matters have moved on since Policy 2:28 was drafted. The policy ought to be changed to reflect these changes in circumstances, including that it now seems unrealistic to expect to build the link road in 2005/06. THC has also agreed that a traffic management scheme ought to be in place before the new road opens. The Crown area already suffers from rat-running problems, and some measures have been implemented. The evidence indicates that further measures should be put in place before the road opens, so that these problems are not exacerbated.

Recommendations

7.13 I recommend that: Policy 2.28 is retained, subject to the following amendments:

(1) the addition of a statement to the effect that any impact on the wooded escarpment at Millburn Road will be minimised as far as possible, and that the remainder of the wooded area will be the subject of a management scheme.

(2) the addition after “*adjoining routes*” of the words “*which will be put in place before the link road opens to traffic*”.

(3) any changes that are required to reflect the Council’s revised expectation regarding the completion date for the link road.

Reporter’s note: Objections relating to the relationship between the link road and pedestrianisation and/or improvements in Academy Street are considered in Chapter 9: City Centre.

8. RETAILING POLICIES AND PROPOSALS

Objectors: Aldi Stores Ltd (207); ASDA Stores Ltd (106)*; Focus Wickes Ltd (191); Inverness Estates Ltd (103 & 266)*; Inverness Caledonian Thistle Properties Ltd (123); Kilmartin Property Group (65)*; Klondyke Garden Centres (62); Lidl UK GmbH (108); MacDonald Estates (193); Wm Morrison Supermarkets plc (192); Royal & Sun Alliance/ISIS Property Asset Management (276)*; Safeway Stores plc (73); Teesmartin Inshes Ltd (208); Tesco Stores Ltd* (65)

Procedures: Public inquiry* and written submissions

Synopsis of objections

8.1 These objections relate to the local plan's policies and proposals regarding retailing at Inverness, including policies for the City Centre and other retail locations. Some objectors wish alternative sites to be allocated or identified for retailing in place of, or in addition to, sites identified in the local plan while some others seek changes to policies. The remaining objections cover both aspects.

Reporter's note: The Crofters Commission on behalf of the Scottish Executive (95), which had sought a convenience retailing allocation at Beechwood Farm, confirmed prior to the inquiry that it no longer wished to pursue that part of its objection.

Factual background and policy context

The current pattern of retail provision in Inverness

8.2 This is illustrated in Map 1 in THC's Position Statement-Retailing (THC-12/9). In summary, it comprises Inverness City Centre; retail parks at Inshes, West Seafield (Inverness Retail and Business Park, IRPB), and Telford-Carse; some bulky/trade type floorspace in the Longman area, primarily along the A82; together with more local provision in a range of locations. An extension (Eastgate II) to the Eastgate Shopping Centre in the City Centre opened in March 2003. Inshes, West Seafield and Telford-Carse all have a large foodstore - a Tesco at Inshes and West Seafield and a Co-op at Telford-Carse, which also has a Lidl store. Of the 3 locations, only at Telford-Carse has a "bulky goods" planning restriction.

NPPG 8: Town Centres and Retailing

8.3 NPPG 8 (CD18) states that the Government's broad policy objectives for town centres and retailing are:

- to sustain and enhance the vitality, viability and design quality of town centres as the most appropriate location for retailing and other related activities;
- to maintain an efficient, competitive and innovative retail sector offering consumer choice, consistent with the overall commitment to town centres; and
- to ensure that ways of meeting these objectives are compatible with sustainable development and, in particular, that new developments are located where there are good

public transport services, and better access for those walking and cycling, leading to less dependence on access by car.

8.4 Paragraph 9 states that, in considering whether there is a requirement for additional retail and other developments, planning authorities are expected to reflect the primacy of town centres and promote comprehensive policies and proposals for sustaining them, both through development plans and development control decisions. In support of this policy, they should adopt a sequential approach to selecting sites for new development, with first preference always being given to development opportunities in town centres. Paragraph 12 states that this approach should apply to all food and comparison shopping as well as other attractions and facilities usually found in town centres, unless guidance in the NPPG or the development plan provides for a particular exception.

8.5 Paragraph 19 states that new retail and commercial leisure developments should be in locations which support more sustainable transport choices and reduce the need to travel; accessible by direct attractive, safe, and secure walking and cycling routes, as well as by regular and frequent public transport, in addition to the car.

8.6 Paragraphs 33-43, in summary, state that planning authorities should adopt a proactive role and agree an overall strategy for the town centre, indicating the scope for change, renewal and diversification; and promote town centres for a diversity of uses, including commercial leisure, entertainment, offices, healthcare, higher education, and tourism.

8.7 Paragraph 44 states that, where Planning Authorities consider there to be a requirement for further new developments or the expansion of existing developments, development plan policies and proposals should indicate the location, scale of additional floorspace and type of development appropriate. Such policies or proposals should be consistent with the general policies in this NPPG, including the particular considerations set out in paragraph 45 below. Where there is considered to be no requirement for further developments, additional sites should not be identified in the development plan.

8.8 The considerations in paragraph 45 are that a development should:

- a. satisfy the sequential approach;
- b. not affect adversely, either on its own or in association with other built or approved developments, the development plan strategy in support of the town centre, taking account of progress being made on its implementation, including through public and private investment;
- c. be capable of co-existing with the town centre without individually or cumulatively undermining its vitality and viability, if necessary supported by planning conditions limiting, for example, floorspace or the range of goods sold or the level of car parking; and should not lead to changes to the quality, attractiveness and character of the town centre, affecting the range and types of shops and services that the town centre would be able to provide, or undermine leisure, entertainment and the evening economy;
- d. tackle deficiencies in qualitative or quantitative terms which cannot be met in or at the edge of the town centre;
- e. not run counter to the Government's integrated transport policy. Locations for major growth and travel generating uses, including retail and commercial leisure developments, should be easily and safely accessible by a choice of means of transport providing a network of walking, cycle and public transport routes, which link with the forecast catchment population, in addition to the car. Consideration should be given to whether the development

would have an effect on travel patterns, car use and air pollution ;

f. be, or able to be made, easily accessible by existing regular, frequent and convenient public transport services. Such services should be available from the time of opening of the development and, where possible, improved over its life. Planning agreements may be used to secure such accessibility in appropriate circumstances;

g. address at the developer's expense the consequences to the trunk and local road networks of the generated and redistributed traffic resulting from the development proposal. In certain circumstances the impact may not be restricted to junctions and road lengths adjacent to the development;

h. result in a high standard of design, ensuring the built form, scale, materials and colour contribute positively to the overall environmental quality and attractiveness of the urban area, and should not, for example, result in sporadic and isolated development, especially along major road corridors;

i. not threaten or conflict with other important policy objectives e.g. green belt, urban regeneration, the loss of good quality industrial or business sites; or where priority is being given to the reuse of vacant or derelict land, the development should, in all other respects, provide an appropriate location for the proposed development;

j. not affect adversely local amenity; and:

k. not lead to other significant environmental effects

8.9 Paragraph 56 states that the case for new District Centres within the urban area should be set out within an agreed strategy for retailing in development plans, consistent with the requirements in paragraph 45.

8.10 Paragraph 58 states that, if making provision in development plans for further retail parks or expansion of existing parks, planning authorities should consider how such proposals fit into the pattern of shopping centres, and recognise that the imposition of planning conditions to control the main ranges of goods sold may be necessary. Paragraph 59 recognises retail parks as a possible location for large food stores where there is no suitable edge of centre site, in preference to a free-standing store.

8.11 Paragraph 61 recognises that food discount stores have a potential role in extending the choice and range of retailing, particularly for certain sectors of the community; that their customer catchment is different to mainstream superstores and supermarkets and their trade draw will be different; and that this will be relevant when assessing impact. However, *“in land use planning terms they are indistinguishable from most other forms of retailing ...”*

8.12 Paragraph 62 states that retail warehouse clubs or discount clubs combine elements of cash and carry wholesaling with sales to qualifying members of the public. Despite restrictions on those who may shop in them or the range of goods that can be sold, these outlets often share many of the characteristics of very large retail outlets, in which case they should be treated for the purpose of this guidance as if they were retail businesses and subject to the requirements set out in paragraph 45.

8.13 Paragraphs 84–90 set out action required in preparing development plans. Paragraph 84 advises planning authorities to take account of broad forecasts of retail demand, deficiencies in retailing provision and how the retail sector is likely to respond to that demand over the plan period, by reference to location and type of retailing. It also advises that a framework for promoting the retailing and commercial roles of town centres, co-ordinated

with policies on transport, car parking and regeneration, should be agreed with business interests and the local community, leading to a town centre strategy.

8.14 Paragraph 85 advises how this town centre strategy can be reflected in the development plan, and that important considerations will include opportunities for growth, improvement or redevelopment, the scope for diversification of uses, accessibility, the impact of traffic and the availability of public transport, the need to retain and improve open space, and opportunities for mixed-use development. Paragraph 86 explains this should allow an assessment of the extent to which the town centre in the first instance, and edge-of-centre in the second instance, can satisfy the demand through development and change. The role of out-of-centre development should be considered, but only within the overall policy objective and giving priority to, and strengthening and safeguarding, the town centre.

8.15 Paragraph 89 states that local plans should:

- assess the performance of individual centres, indicating potential for change, improvement or stability;
- aim to safeguard and support existing town centres and other retail facilities;
- identify sites, including those suitable and available within a reasonable timescale, for new retail and commercial leisure developments within town centres, and, if appropriate, at the edge of centre;
- include criteria based policies to provide guidance to developers who may propose sites developments outwith the framework of preferred sites in the development plan, and indicate how such developments might be assessed;
- include related policies for transport, car parking, and for improving the environmental quality of town centres; retail and commercial leisure developments, and specify design criteria and standards against which proposals will be judged, including those in out-of-centre locations.

8.16 The NPPG Glossary includes the following definitions:

Town centre - in this guideline, the term “town centre” is used to cover city, town and District Centres which provide a broad range of facilities and services and which fulfil a function as a focus for both the community and public transport. It excludes retail parks, neighbourhood centres and small parades of shops of purely local significance.

District Centres - shopping centres or groups of shops, separate from the town centre, usually containing at least one food supermarket or superstore and non-retail services, such as banks, building societies and restaurants serving suburban areas or smaller settlements.

Neighbourhood centres - small groups of shops, typically comprising a newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature.

Retail parks - a single development of at least three retail warehouses with associated car parking.

Retail warehouse - a large single-level store specialising in the sale of household goods, such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers and often in out of centre location.

Retail warehouse clubs (or discount clubs) – generally out-of-centre retailers specialising in bulk sales of reduced price, quality goods in unsophisticated buildings with dedicated car parks. The operator may limit access to businesses, organisations, or classes of individual, through membership restrictions.

Supermarkets - single level, self-service stores selling mainly food, with a trading floorspace of between about 500-2,500 sq m, often with their own car parks

Superstores - single level, self-service stores selling mainly food, or food and non-food goods, usually with at least 2,500 sq m trading floorspace with dedicated car parks at surface level.

Edge-of-centre - a location within easy walking distance of the town centre, and usually adjacent to the town centre, and providing parking facilities that serve the centre as well as the store, thus enabling one trip to serve several purposes.

Out-of-centre - A location that is clearly separate from a town centre, but within the urban area, including programmed extensions to the urban area in approved or adopted development plans.

Out-of-town - An out-of-centre development on a greenfield site, or on land not clearly within the urban boundary.

The Highland Structure Plan

8.17 The HSP identifies Inverness as the regional centre in a well-established hierarchy of shopping centres in Highland. It regards it as important to continue to develop the city as a major regional shopping centre, but as also vital to maintain and enhance the role of other existing retail centres and rural shopping facilities.

Policy R1: Shopping Hierarchy states:

“Proposals which consolidate the shopping hierarchy and enhance the role of individual settlements as shopping centres will be supported”.

8.18 Paragraph 2.3.3 states that, to reduce the need to travel, and avoid disadvantaging sectors of the community unable to do so, everyday shopping needs should be met at a very local level. Paragraph 2.3.4 recognises that large foodstores have been largely beneficial, but that judging where the community interest lies will largely depend on the ability of existing shops to compete or adapt, and the impact on vital local services. It states that, to aid the assessment of impact, major retail proposals over 2,500 sq m gross floorspace should be supported by information in line with strategic Policy G3 and NPPG 8.

Policy R2: Everyday Shopping Needs states:

“Development which safeguards and enhances the local provision of facilities to meet everyday needs will be encouraged, and proposals which potentially undermine such provision will not normally be permitted”.

8.19 Paragraph 2.3.6 acknowledges that locating major foodstores in town centres may sometimes cause traffic or amenity problems, and that alternative sites may have to be considered. However, it requires any new proposal for retail development to demonstrate that the sequential approach to site identification has been followed. Paragraph 2.3.7 states that, in Inverness, the current distribution of stores is likely to meet needs in the short term, but some restructuring may be required in the medium to longer term in anticipation of further population change, and developments such as the SDR.

Policy R4: Major Foodstores states:

“In small and medium sized towns, foodstore provision will normally be located in town centre or edge of centre locations; that, in the largest settlements, more localised provision will be encouraged where it is well-related to existing and proposed housing. Where major foodstore proposals are adjudged to pose a potential risk to the vitality and viability of local services, the development will not normally be permitted”.

8.20 Paragraph 2.3.8 states that about 63% of comparison expenditure in Highland is concentrated in Inverness, but that, despite recent improvements, much non-food spending continues to leak outwith Highland. “In addition, there are concerns regarding the viability of nearby existing centres”. Paragraph 2.3.9 identifies “town centres” as the preferred location for comparison shopping, stating: *“The term does not refer to more recently established peripheral shopping areas which may have services other than retailing Government policy seeks to maintain vibrant and healthy town centres and accordingly advises that the first preference for new retail developments should be within town centres. It is recognised however that certain types of shopping, particularly bulky goods, may be appropriate elsewhere. This has been the case in Inverness, where growth of town centre retail floorspace has been paralleled by retail warehousing on 3 retail parks at West Seafield, Inshes, and Telford Street”.*

Policy R5: Town Centre Shopping states:

“Development in town centres will generally be encouraged, and proposals judged to undermine the vitality and viability of existing town centres will be resisted”.

8.21 Paragraph 2.3.10 states that demand for new comparison floorspace in the short and medium terms will be met largely by permissions already granted in Inverness, where a period of consolidation is now necessary..... *“As with everyday shopping needs, any major proposal over 2,500 sq m gross will be expected to provide supporting information in line with Policy G3 and NPPG 8”.*

Policy R6: Comparison Shopping states:

“No proposals for retail warehouses outwith existing and proposed retail parks will be supported unless it can be demonstrated that suitable sites cannot be identified within these parks. In Inverness, no further major non-food retail development is to be permitted, pending a Council review of provision to be undertaken by Autumn 2001”.

This Council review, the Structure Plan Inverness Retail Review, was published in May 2002 (CD38)

The deposit draft local plan

8.22 Paragraph 2.2 of the DDILP states that town centre regeneration initiatives require control of out-of-centre retailing and a period of consolidation for the City Centre.

8.23 Policy 2:1 CITY CENTRE USES states:

“The Council will seek to strengthen and enhance Inverness City Centre as the focus for retail, commercial and business activity in Highland and will encourage redevelopment and upgrading/modernisation of property for these purposes. Priority will be given to uses defined by Classes 1-3, 7, 10 and 11 of the Use Classes Order 1997 at ground floor level in the quadrant of core shopping streets formed by High Street, Church Street, Union Street and Academy Street along with Eastgate with residential, office and other compatible activities above. The emphasis throughout the wider City Centre will be on mixed uses and maintaining occupancy of buildings and enhancing viability and vitality. Proposals which seek a significant increase in retail floorspace will be subject to Retail Impact Assessment. In accordance with NPPG 8 and the Structure Plan/Inverness Retail Review, and given the availability of an additional 195,000 sq. ft of gross commercial floorspace by Spring 2003, the Council will presume against further development of comparison goods floorspace outwith the City Centre, with the exception of development with extant planning permission and proposals which accord with the terms of (39) below.”

8.24 Policy 2:7(iv) REGENERATION promotes land at Longman Bay for major development/redevelopment in the following terms:

... “(iv) LONGMAN BAY: (23.0 ha) east of the A9(T) and embracing the Caledonian Stadium. This is a premier City “gateway” where a high density “urban village” could comprise a mix of business, sport/leisure and cultural activities overlain with residential uses. Small boat facilities, quayside bars, restaurant and hotel with a national museum/heritage attraction would be complementary activities. Scope exists to expand the stadium, provide an indoor exhibition area supported by transport initiatives and future park n’ ride services. Development will involve:

*upgrading the trunk road junction, safeguards for the major pipelines, reservation for access (see 11/25 below) and extension of utilities;
relocation of the salt store and Travelling People’s site ; and remediation of the former waste tip including restriction of a seawall in accordance with the approved restoration plan, landscaping and layout of this area for recreation amenity uses, see 41(vi) below.*

Whilst these works are expected to be achieved over the medium/longer term, the Council considers this a priority regeneration site and expects development/restoration to commence in early course. A Brief/Master Plan for the entirety of the Longman Seaboard east of the A9 will be required. Safeguards for the Firths Natura 2000 sites will be essential”.

8.25 Policy 2:11 LONGMAN, which promotes land at the Longman (Industrial) Estate for business/industrial purposes consistent with principles that include:

“redevelopment of land adjoining the A82/Harbour Road axes for prestigious uses. The intersection of these routes could provide a “hub” of high intensity mixed office/educational/service activities consistent with the adjoining College campus and future regeneration of the Rail Yard

concludes “Further to 39 below, there will be a presumption against retailing other than activities ancillary to business/industrial uses and distributive trades”.

8.26 Policy 2:20 DISTRICT/NEIGHBOURHOOD CENTRES/PARKS (in summary) provides for the development of mixed-use district/neighbourhood centres and parks at nodal locations, including Charleston, Ness-side, Culduthel-Slackbuie, Inshes and Culloden. Land is expected to be reserved for facilities required to cater for Expansion Areas and deficiencies identified in existing districts/neighbourhoods where appropriate, with detailed provision and developer contributions addressed in development briefs.

8.27 Under the heading EXPANSION Policy 2:36(i) reserves 22 ha towards a district park at Inshes; Policy 2:36(ii) reserves 6 ha for a District Centre at Culduthel-Slackbuie; and Policy 2:36(iv) reserves 6.6 ha for a District Centre at Ness Castle/Ness-side. Policy 2:99 allocates 4 ha at Stratton East for expansion of Culloden District Centre, including local retail. Planning permission for a District Centre was granted on the Ness-side site in October 2001 (Tesco 3)

8.28 Policy 2:39 OUT-OF-CENTRE RETAILING, states:

“In accordance with the Structure Plan/Inverness Retail Review, the Council recognises likely further growth in “bulky-goods/warehouse” retailing over the Plan period and the requirement for customer choice, and has identified additional land for this purpose. The Council expects the demand for additional floorspace for “bulky-goods/warehouse” retailing not to exceed 10,000 sq. m (gross), and will seek to meet this by encouraging development:

- *at suitable edge-of-centre locations;*
- *within the established Retail Parks at West Seafield, Inshes and Telford-Carse as defined on the Proposals Map;*
- *by implementation of extant planning permissions;*
- *at Action Areas 7(ii)/(v) (Torvean and the Rail Yard/College) where such uses are compatible with wider regeneration proposals In this respect, the Council will seek Retail Impact Assessment and will have regard to the availability of land and the distribution of retail facilities across the City as a whole.*

Planning applications which do not conform with this policy will be refused where they do not meet criteria (a-k) in para. 45 of NPPG 8. Provision for convenience/food shopping will be made within District Centres or Neighbourhood Centres in accordance with their functions and at a scale consistent with local needs, see (20 above)”.

8.29 Policy 2:60 allocates a 0.9 ha site at Friars Bridge/Telford Street for mixed housing, business and other uses, subject to the relocation of existing and adjoining uses, land assembly, and access arrangements.

8.30 Policy 2:61 allocates 0.8 ha at Telford Street for housing and community uses, subject to the relocation of the garden centre that occupies the site, and a development brief, and recognises possible scope for local shop(s), a hall or public house.

8.31 Policies 2:36 (i) and 2:90 refer to the formation of a District Park in association with housing development at Inshes.

8.32 Policy 2:84 reserves 0.3 ha adjoining (east of) Inshes Retail Park for community uses.

8.33 Following the receipt of objections to the DDILP, THC commissioned the Halcrow Group to further update a retail capacity model originally developed in 1996 and updated in 1998 (THC-12/1). The 2003 update (CD39) found no case for developing additional convenience floorspace in the period to 2006, beyond that committed by extant planning permissions, unless rationalisation of existing foodstores occurred; and that surplus expenditure in the period 2006-2011 could support 2,500 sq m net additional floorspace. It expected the City Centre to absorb forecasted expenditure in town centre (personal) goods to 2006; and a case for 5,750 sq m net additional floorspace (when superstore comparison floorspace was taken into account) in the period 2006-2011. For bulky/retail park goods, it concluded that provision should be made for 10,000 sq. m of additional floorspace to 2006, rising to 12,500 sq. m. at 2011.

Reporter's note: Prior to the inquiry, Halcrow identified a “transpositional spreadsheet error” in CD39. Correction of this error would reduce the net floorspace capacity for bulky/retail park goods to 1,350 sq m for the period to 2006, but would not affect the 2011 figure.

The deposit draft local plan with modifications

8.34 The DDMILP reflects the conclusions in CD39. The main policy changes with a bearing on retailing comprise:

- Policy 2:1: CITY CENTRE only the first part of the policy, as far as “vitality and viability” is retained.
- Policy 2:7(ii) ACTION AREAS: Torvean and Policy 2:7(v) Rail Yard/College adding “*and retailing, in accordance with 39 below*” to possible uses.
- Policy 2:7(iv) ACTION AREAS: Longman Bay adding “*and Environmental Assessment of the effect of development and other uses on the Moray Firth cSAC and SPA and safeguards fro the integrity of these interests will be necessary*”; together with the recognition that a grade-separated interchange at the A9 might be required.
- Policy 2:20: DISTRICT/NEIGHBOURHOOD CENTRES/PARKS adding “*retail, leisure and community activity*” after “*mixed-use district/neighbourhood centres*”; and inserting the words “*In accordance with NPPG 8 and their functions these are defined as District Centres*” after “*Culloden*”.
- Policy 2:39 was renamed RETAILING and redrafted to state:

“Further to its intention to strengthen and enhance the City Centre as the focus for retail activity, the Council’s objective is to improve the distribution and accessibility of shopping facilities, consumer choice and encourage sustainable City districts. Accordingly, proposals for retail development will be considered against the sequential test set out in NPPG8 and, for those involving more than 2,500 sq. m., a Retail Impact

Assessment which will be expected to demonstrate compatibility with these principles. Specifically:

- *for convenience shopping, proposals should be consistent with the viability of food stores at District/Neighbourhood level in accordance with policies R4 of the Structure Plan; and*
- *for comparison shopping:*
 - (a) (personal goods), the City Centre will continue to be promoted;*
 - (b) (bulky/white goods), proposals should recognise further potential for growth over the Plan period up to an additional 12,500 sq.m. (net), and possible opportunities at the regeneration sites 7(ii) Torvean and 7(iv) Rail Yard and within the A82/core of the Longman Estate consistent with the promotion of mixed uses as set out in (11) above.*

For the purposes of the Council's objectives, the existing Retail Parks at West Seafield, Inshes and Telford-Carse will be regarded as District Centres in the context of NPPG 8".

➤ Policy 2:61 was also redrafted, as follows:

"Subject to availability, 0.8 ha. of land at Telford Road/Balnacraig Lane would be suitable for redevelopment for a mix of uses including residential, community and commercial. Any retail use should be consistent with the scale of existing retail activity and the form and layout of development compatible with access, traffic management and residential amenity. A Development Brief will be prepared in consultation with the landowner".

➤ the 0.3 ha site adjoining Inshes Retail Park was reserved for community uses and leisure.

8.35 Committed but undeveloped floorspace in Inverness at the time of the inquiry comprised the outline planning permission at Ness-side and a 747 sq m gross extension to Safeway's Eastgate store. The Ness-side permission included a supermarket of up to 1,858 sq m gross (+/-5%) and 4 shop units each of 92.9 sq m, and allowed 7 years for the submission of reserved matters. The non-food retail unit at Harbour Road shown as approved in THC-12/9 had been built. Figure 2 also lists undetermined planning applications for retail development remaining before the Council. These exclude an outline planning application for mixed-use commercial development at Slackbuie (including 20,000 sq m gross retail floorspace) submitted in late April 2004, and the Inverness Arc application which was submitted towards the end of the inquiry.

8.36 CD44 summarises points discussed at a "round table" discussion which preceded the formal retailing session of the inquiry. Several of these matters were the subject of further discussion in the course of the inquiry, when THC and Royal & Sun Alliance (RSA)/ISIS Property Asset Management (ISIS) agreed the town centre floorspace figures in ISIS 2A.

Brief summary of the main points raised by objectors

Royal & Sun Alliance (RSA)/ISIS Property Asset Management (ISIS)

8.37 The objector, who owns and manages the Eastgate Shopping Centre, considers that the local plan fails to properly reflect the terms of NPPG 8 regarding local plan retail and town centres policies, or the relevant HSP policies. The plan also lacks a co-ordinated retail

strategy. This could be remedied by expanding the Strategy Chapter, to emphasise that the City Centre will be the first choice for new comparison shopping. The City of Inverness Chapter would also benefit from an overview section, to set a clear context for the plan's retail policies. Reference should be made to paragraph 45 of NPPG 8 for assessing retail development proposals for sites outwith the City Centre. Alternatively, a policy could be drafted, in line with paragraph 45, listing the criteria that should be met where proposals for major retail development are not consistent with the development plan.

8.38 CD39 assumes that Inshes and the IRBP contain only bulky goods floorspace. It also underestimates the draw to Inverness as a regional centre. The turnover of £6,800/sq m in ASDA 1 is unrealistically high. ISIS 3 and ISIS 4 assess the model used in CD39, using the comparison floorspace figures in the City Centre agreed with the Council, and on the basis of 75% and 60% net to gross ratios respectively. ISIS 4, which represents a worst case scenario, shows only a small surplus of expenditure at 2011. THC's equivalent figure of just over £20.5 m (Appendix 2A in THC12/10) also gives no reason to expect a need for additional comparison floorspace that cannot be met in the City Centre, particularly when the Academy Street site (THC-12/12), for which the council was previously minded to grant permission for retailing, is taken into account. Policy 2:39 in the DDILP states that "*the City Centre will continue to be promoted*" to absorb new comparison floorspace over the plan period and Policy 2:6 identifies sites for retail and mixed-use development there.

8.39 Other parts of the plan have the potential to undermine Policy 2:1. Policy 2:39 should make clear that the only location in Inverness that has town centre status in terms of NPPG 8 is the City Centre. The final sentence in Policy 2:39 in the DDMILP is contradictory and should be deleted. As retail parks, the IRBP, Inshes and Telford-Carse do not meet the definition of a District Centre in NPPG 8, which gives District Centres a similar status to town centres. While both the IRBP and Inshes have a supermarket, and Inshes has facilities such as a post office, dry cleaners and pharmacy, which are more akin to a Neighbourhood Centre, both locations also contain national comparison retail stores serving an extensive catchment. Inshes is an appropriate location for bulky goods retailing, but giving District Centre status to retail parks is contrary to HSP Policy R5. The HSP states that town centres exclude "*recently established peripheral shopping areas*", and refers to West Seafield, Inshes and Telford Street as "*retail warehousing on three retail parks*". The fact that the ICALP identifies Inshes as a District Centre does not mean that the new plan has to do the same. Treating the retail parks as such would leave a retail hierarchy in Inverness comprising the City Centre, retail parks, and a number of neighbourhood centres, serving a local function. All of these ought to be defined in the plan.

8.40 Policy 2:20 in the DDMILP does not make clear the type of centre that is to be regarded as appropriate at the locations it mentions. It therefore fails to satisfy the requirements in PAN 49 that local plan policies should provide clear guidance, should be unambiguous, and should set out criteria necessary for their interpretation. The scale of each Expansion Area indicates that the appropriate level of provision is a Neighbourhood Centre, not a District Centre. Given the limited capacity for additional general comparison goods floorspace in the Inverness catchment area over the plan period, Policy 2:20 in the DDMILP has the potential to result in a ring of District Centres clustered around the City Centre that could severely damage its vitality and viability. The references to District Centres in Policies 2:20 and 2:39 should therefore be deleted. While the development that has been granted planning permission at Ness-side is more akin to a District Centre than a neighbourhood centre, a different scheme may actually be built. In any event, although described in Tesco 3

as a “Proposed District Centre”, condition 1 restricts the uses permitted, and refers to “*neighbourhood community facilities and a supermarket*”.

Aldi Stores Ltd

8.41 The City Centre boundary should be redrawn to include the site at Friars Street/Telford Street to which Policy 2:60 refers.

Klondyke Garden Centre

8.42 Policy 2:61 of the DDILP takes no account of the current retail use of this garden centre site, which has a Certificate of Existing Lawful Use and Development (CLEUD, THC-12/7) for Class 1 use, external goods display, and ancillary uses. The full value of the site has to be realised in order to allow the garden centre to relocate to Stoneyfield. None of the uses listed in the DDILP policy would achieve this, except possibly a public house, and then only as part of a larger scheme. It is unrealistic to expect a small, privately-owned site to be redeveloped for community use unless compulsory purchase is intended. Policy 2:61 should identify the site as suitable for retail use, consistent with the scale of existing activity, and subject to access, traffic and amenity considerations; or for residential or commercial purposes.

Wm Morrison Supermarkets

8.43 The DDILP does not reflect the wider objectives in NPPG 8, particularly in relation to maintaining an efficient, competitive and innovative retail sector offering consumer choice. There is also no indication that the Council assessed potential quantitative or qualitative deficiencies in the convenience shopping to support its restrictive approach. Policy 2:1 should explain what assessment was done, and the requirement for additional convenience goods retailing reconsidered. Clear criteria-based policies, based on paragraph 45 of NPPG 8, are required, to provide guidance on how new retail developments outwith the framework of preferred sites will be assessed. Policy 2:39 should refer to an assessment of the scope for all forms of retailing, relate to all proposals for new retail development, and include the type of criteria-based policies described above. While the DDMILP largely addresses the first of these points, and Halcrow’s appointment addressed the second, to be consistent with paragraph 44 of NPPG 8, paragraph 2.2 needs to be further amended to clearly explain the assessment process, the capacity for additional convenience floorspace, and qualitative deficiencies. Policy 2:39 still does not provide criteria-based policies.

Tesco Stores Ltd

8.44 Tesco has purchased a 4.45 ha site at Ness-side where it intends a new foodstore. The local plan treats Ness as a District, and Neighbourhoods as forming part of Districts. Policy GP2, which advises there should be a superstore in Districts, and a supermarket in Neighbourhoods, is derived from the NPPG 8 glossary. However, the local plan assesses service deficiencies only in Neighbourhoods. Policy 2:38 should make clear that District needs should also be planned for, in line with Policy GP2. The postcode sector that was identified as the Primary Catchment Area (PCA) for the Ness-side store has a population of 11,000. It is the only postcode sector in Inverness that lacks easy access to a local supermarket. THC-12/9 shows that large foodstores are concentrated in the City Centre or on the A96/A9 corridor. The local plan should seek to remedy this imbalance, otherwise the

southern Districts of Inverness will continue to be more poorly provided for than others. Culloden District's only deficiency is a walk-in foodstore to serve "top-up" shoppers.

8.45 HSP Policy R4 ought to be interpreted as referring to superstores. For the local plan's proposals for the southern part of the City to conform to the structure plan, and to Policy GP2, the size of foodstores in District Centres should not be restricted. Given that Policy GP2 states that "*The Council will make provision to develop the urban structure in accordance with the following design principles/standards*", THC's suggestion that the reference to a superstore is not prescriptive is untenable. Even if the policy is held to rely on a District population of 5,000-9,000, THC stated that the population was unlikely to rise above 9,000. Policy GP2 should continue to identify a superstore, or at least a supermarket or superstore, as a District facility. The table headed DISTRICT NESS (on page 43 of the DDILP, page 44 of the DDMILP) should also identify a service deficiency of a superstore, or at least a supermarket or superstore, for the District, and paragraph 2.14 adjusted accordingly.

8.46 Policy 2:39, as proposed in the DDMILP, also needs to be changed in order to conform to NPPG 8 and the HSP. As it stands, it would subject a superstore, even in a defined "centre" to a retail impact assessment and the "sequential test". It should be worded to support a superstore in Districts that do not have such a store, and where there is a District Centre. Outwith these locations, it should presume against superstores, and require proposals to be justified against the criteria in paragraph 45 of NPPG 8. While the adopted local plan predates the HSP and NPPG 8, THC presumably took account of the potential policy implications of referring to "District Centres", and modified Policies 2:20 and 2:39 to explain what it has in mind. While Tesco's case does not depend on this term being retained, it clarifies where District Centres fit into the retail hierarchy in Inverness.

8.47 THC-12/9 illustrates the proximity of the Ness-side site to existing and proposed housing, and to Phase V of the SDR, which will bring areas to the west of the river into the catchment of a Ness-side store. Ness-side is therefore well-located to cater for the shopping needs of the south and south-west sides of the city. It is also best-placed to act as the main centre for this area. The proposed centre at Slackbuie will always fall between two stools and is too close to Inshes. Assuming 2 persons per household, the 1,200 new houses proposed at Ness-side/Ness Castle, and the 1,300 houses proposed at Culduthel-Slackbuie, will increase the population in the neighbourhoods in the south of the city to 16,000. CD38 and CD39 consider Inverness as a single entity and CD39 takes no account of the £23 m of expenditure that residents alone in this area could generate.

8.48 NPPG 8 states that planning authorities should take account of broad forecasts of retail demand, any deficiencies in retailing provision, and how the retail sector is likely to respond to demand over the plan period. CD39 refers initially to 1,090 sq m gross new floorspace at Ness-side, although the planning permission allows a 1,858 sq m gross foodstore, and a further 743 sq m gross in smaller shops. This error appears to have been partly rectified later in the report, which refers to 1,080 sq m net, which is also the figure used in the tables. However, Scenario B concludes that a 7,890 sq m gross/3,550 sq m net store would have a turnover of £21.31 m, and result in a city-wide deficit of £23.5 m in 2006 and £7.5 m in 2011. This size of store would either be an extension to, or a replacement of, the consented store. Subtracting the turnover of the consented store (assuming the same turnover rate) would produce a city-wide deficit in 2011 of only £1m. Scenario B is therefore overly pessimistic. It also assumes a far larger store than the minimum size of superstore. A 2,500 sq m net superstore at Ness-side would have a turnover of £15 m. Based on Halcrow's own figures,

this would leave surplus capacity at 2011, even if extensions at Safeway and West Seafield are taken into account. Much of this surplus would be in the expansion areas in the south of the city. There is therefore no need for an RIA. Any overprovision that occurred would be temporary, and is unlikely to cause existing stores to close.

8.49 Tesco's land does not coincide with the District Centre site in the local plan Inset Proposals Map, which has planning permission. However, the permission takes no account of the roundabout which has been designed since. Conditions 4 and 2 indicate that the Council knew this is not the development that would be built, and 7 years were allowed for the submission of reserved matters. The previous owner of the 4.45 ha site, Tulloch Gray, will be developing the remaining housing land, and sold the site to Tesco after considering the layout of roads and the roundabout. The Proposals Map should alter the District Centre boundary to coincide with Tesco's ownership, and consequential adjustments made to reflect this alteration.

8.50 Tesco 1 indicates how Tesco's site could be developed for a 2,500 sq m superstore, while also providing scope for community facilities. Amenity issues could be dealt with at planning application stage. The roundabout is designed to allow for a significant retail development, although a superstore might need to await completion of the SDR. It is reasonable to take this scale of development into account in assessing whether there is scope for more convenience floorspace elsewhere in the city. On this basis, the local plan should state that *"Until the District Centre at Ness-side has been developed, and the scale of convenience floorspace established, or this is demonstrated not to be available or feasible, any other proposals in out of centre locations will not be in accordance with the development plan and will require to be considered against the criteria of paragraph 45 of NPPG 8"*. This would ensure that areas of deficiency in Inverness are properly served, on appropriate sites, before other locations are considered. ASDA's evidence confirms that any surplus expenditure can be accommodated in existing and proposed District Centres.

8.51 An additional bullet point in Policy 2:38, under FUTURE, should refer to the need for a superstore to be located in the Ness-side District Centre. Policy 2:39 in the DDMILP should be further amended to make clear that new retail development should be directed towards the City Centre and District Centres in the first instance, but with the City Centre the preferred location for "town centre" type comparison goods, and District Centres serving a District function. THC could impose "bulky goods" conditions on any new comparison permissions at retail parks if it was concerned about impact on the City Centre. The convenience shopping bullet point should state that the southern District of the City lacks a superstore and that the most appropriate location this would be the Ness-side District Centre, which should be added to the centres listed in the final sentence. Finally, the references to the regeneration sites at Torvean and the Longman A82/Core should be deleted. These are not within, or functionally linked to, any of the centres identified in the plan. It is inappropriate for a plan that advocates the sequential approach to promote sites which could undermine the "hierarchy of centres" it supports. If all of these amendments are not accepted, the tables at least should be amended, as described above.

Teesmartin Inshes Ltd

8.52 Policy 2:39 of the DDILP should recognise Inshes as a retail and leisure park. Policy 2:84 should recognise that this site could support a wide range of leisure uses, which could be provided by the public or the private sector and benefit the local community. Land has

already been safeguarded for the new church that was one of the main reasons for the “community use” designation. Private operators have already provided community facilities at Inshes.

Reporter’s note: This objection was “conditionally withdrawn” on the basis of the proposed modifications to Policies 2:20 and 2:39.

Lidl UK GmbH

8.53 Lidl has identified a retail development opportunity on a 0.84 ha site, to the south of Inshes Retail Park, on land which the local plan identifies as Amenity land. The Insets Proposals Map should show the boundaries of the Inshes District Centre, and allocate this edge-of-centre site for retailing to help remedy qualitative and quantitative deficiencies in food retailing in Inverness, in accordance with the sequential approach. There are no sites available for this purpose in or adjacent to the City Centre, within Inshes retail park, or in the IRPB. Inshes is also subject to a legal agreement preventing foodstore operators other than Tesco from operating there.

8.54 ASDA 1 shows that there is capacity for additional food retailing at Inverness. The RIA submitted for a planning application for a discount store at the objection site (Lidl 1) points to a qualitative need to extend choice in this sector. A store would also reflect the objectives of the Inshes and Milton of Leys Development Brief (THC-11/3), which refers to a shortage of land adjacent to the retail park for District facilities. Discount foodstores tend to be significantly smaller than other foodstores, with more limited goods ranges, and different operating characteristics. NPPG 8 recognises they can extend range and choice, and that their catchment and trade draw will be different. Lidl 1 also shows that a discount store would not affect the City Centre, and that it could benefit the retail park. The objection site has little amenity value in isolation. A retail development would not affect the integrity or overall scale of the District Park. It would also improve community facilities by providing access to a soccer centre proposed on adjoining land to the south. An “Amenity” designation also conflicts with policies, such as Policy 2:20, which refers to the further development of the District Centre.

8.55 In addition, Policy 2:39 should be redrafted to provide a clear framework, consistent with the HSP and with NPPG 8, for the promotion of retailing within the local plan area and the determination of planning applications. It should make clear that:

- all forms of retailing will be supported in the City Centre;
- retailing will be supported where it would support regeneration/development proposals in the plan, and in major new housing allocations, provided that the vitality or viability of existing town centres is not undermined;
- retailing will be supported in, or on the edge of, town centres, subject to the vitality or viability considerations identified above; and
- other proposals will be considered on the basis of compliance with the sequential approach; effect on the vitality or viability of existing town centres; remedying quantitative or qualitative deficiencies; support for integrated transport; and design and amenity implications.

Kilmartin Property Group (KPG)

8.56 THC accepts that there is a need for additional bulky goods floorspace at Inverness and that the local plan should identify scope for this. However, the plan does not allocate any sites for this purpose, and Policy 2:39 of the DDMILP refers only to “possible opportunities”, in out-of-centre locations.

8.57 The 3.5% per annum expenditure growth rate in comparison goods used in CD39, which is based on Ultra Long Term Growth Estimates in URPI Information Brief 99/2, is very cautious. The Brief indicates that this rate may be too low if the growth of the 1990s continues. Recent government statistics indicate that expenditure is likely to be about 4.5% *per annum*. Applying this figure to 2011 would produce a *per capita* spend of £3,224, 8.5% higher than estimated in CD39, and increase total available expenditure by £16 m. However, KPG does not disagree with the conclusion in CD39 that there is capacity for at least 12,500 sq m net (about 20,000 sq m gross) bulky goods floorspace in the PCA up to 2011. This could require a substantial area, and it is inappropriate not to allocate land. KPG has identified a site to the east of Inshes Retail Park which should be allocated for this purpose.

8.58 Policy 2:39 indicates that the sequential approach should be adopted. As a District Centre, Inshes is part of the established shopping hierarchy supported by HSP Policy R1. Given its strategic location, it should be the first choice for a bulky goods allocation. The council’s Director of Planning and Development confirmed at the inquiry that the council “wishes to promote the City Centre, and District and Neighbourhood Centres ... rather than see sporadic development at locations directed towards the car borne shopper and away from residential areas”.

8.59 Inshes now has the range of uses envisaged in the ICALP, including leisure and community uses. Its role as a community focus will be strengthened when a new primary school is built to the south (65/13), and as housing continues at Milton of Leys (65/6). Raigmore Hospital is also a community focus, and a public transport hub. NPPG 8 includes “district centre” within the definition of town centre. There is no support for ASDA’s proposition that NPPG 8 recognises District Centres that are not town centres. In any event, the DDMILP simply continues the ICALP designation, and it is too late to challenge the justification for this. While recent units at Inshes are more akin to retail park type uses, and serve a wider area, the development as a whole is fully integrated, ought to be considered as a single entity, and as meriting District Centre status. A District Centre can have many of the attributes of a retail park.

8.60 In any event, irrespective of whether Inshes is identified as a District Centre, paragraph 2.3.9 of the HSP, and RSA/ISIS, agree it is a suitable location for bulky goods retail warehousing. The Inverness Estates Ltd (IEL) witness accepted it ought to be the first preference for this. Eastgate II provides comparison retailers with the confidence to invest in the City Centre. RSA/ISIS is in a very advantageous position as there are no competing covered shopping malls in the City Centre, or competing town centres nearby. Given the growth of the City, and continuing increases in disposable income, the City Centre is likely to remain strong and is unlikely to be affected by bulky goods floorspace outwith the Centre.

8.61 Adopting the sequential approach rules out Torvean, the Longman/A82 core, and Stratton, as potential bulky goods locations. The first two are not adjacent to a centre, and do not meet the definition of “edge-of-centre” in NPPG 8. In suggesting these as retail opportunities, the Council is giving them the same status as locations such as Inshes and the Rail Yard, which must be preferred in principle before out-of-centre sites are considered. There is no indication that the Council carried out a sequential assessment of potential alternative sites before putting forward out-of-centre sites. It is also unclear what comprises “the Longman A82/core”. Policy 2:11 refers to a wide area at the Longman Industrial Estate. The Proposals Map does not show a core area, apparently for “flexibility”. THC-12/9 identifies the core with a 600 m diameter orange ring, which does not include the cement factory that is the subject of an application by Macdonald Estates, or all of the Focus Wickes unit, which the Council presumably regards as part of the core.

8.62 The 3 retail existing units fronting the A82 (65/21E and 21F) are sporadically located along an arterial road. As there is no focus for combined trips, and fundamental difficulties in providing the common access and shared car parking that could create a retail entity, any additional units would continue to be “ribbon” development. This would not accord with the HSP, or with paragraph 60 of NPPG 8, which states that a new retail warehouse which cannot be accommodated in the town centre or on an edge-of-centre site, and which meets the considerations in paragraph 45, should, where possible, be developed as part of an existing or expanded retail park. It also advises that because of their visual impact, the sporadic siting of free-standing retail warehouses along major road corridors should be avoided. That said, if the Rail Yard was developed, and functional links created, Longman could become an edge-of-centre location, although it is remote from main housing areas.

8.63 However, Longman is also important in offering brownfield opportunities for business and industry. Policy 2:39 will encourage landowners to try to capitalise on the plan’s *laissez faire* approach to bulky goods retailing. As the “core” is not defined, a myriad of development proposals could come forward. Alternatively, if the policy is intended to suggest that the core of the Longman is to be an extension to the city centre, land owners from the city centre boundary to beyond Wickes could claim edge-of-centre (or even in-centre) status. This could extend the City Centre boundary over 600 m in different directions, change the area’s primary role, and require the over-arching “B” and “I” policies to be altered.

8.64 The Torvean area is part of the countryside setting of the City. Whether or not it is developed as an opportunity arising from completion of the SDR, it will remain on the periphery of the City and unsuitable for retailing. The Council has not assessed the site’s accessibility, how retail development could fit into the landscape or into the hierarchy of centres in the plan, or whether Torvean would become a centre at all. It should be one of the last locations in Inverness for new retail development, given the plan’s sequential approach.

8.65 It is questionable whether IEL’s promotion of retailing beyond the IRPB to Stratton reflects the objections by Omnivale Ltd and ISDC Ltd that IEL claims to be taking forward. However, if this is to be considered in detail, the local plan strategy of expanding Districts and Neighbourhoods would have to be reassessed. Such a major change ought not to be entertained at this stage. While there may be business and industrial development along the A96 corridor in the future, THC has just embarked on a wide ranging master plan for long-term development, and it is not clear whether there will be any new housing in this area.

Retail allocations at Stratton, and indeed at Torvean, are premature at best given the uncertainties over infrastructure, and the timing and form of any new development. Bulky goods retailing would also be unsustainable in the short term, remote from most of the resident population, and duplicate provision at the IRBP. In contrast, Inshes is well located to serve the City's population, which lives mostly to the west of the A9, and extensive existing and committed housing development in the area.

8.66 CD39 recognises there is no land available within retail parks to accommodate the new floorspace required. Apart from the Rail Yard site, which is not currently available, there are also no sites in or around the City Centre. Even if the Rail Yard site was available, higher value and density retail and commercial uses would be more economically beneficial to the City Centre than retail warehousing. The logical and next sequentially preferable location is therefore within or adjacent to another recognised centre. While bulky goods floorspace at Slackbuie would improve distribution, like Ness-side, it is likely to accommodate other uses in addition to retailing and additional land would still have to be found. Inshes is already a community focus, an integral part of the urban fabric at the hub of the local road network, and could be at a major hub in the trunk road network when the SDR is completed. Allocating land for retail development at Inshes is consistent with THC's view of how new floorspace should be distributed. The Inshes/Milton of Leys Development Brief acknowledges Inshes is the right place for large scale retail development catering for City-wide needs and beyond.

8.67 The indicative site layout plan DP(02) lodged with an outline planning application (65/8) for retail warehousing on the objection site shows how this could be integrated into the District Centre via the roundabout serving the main retail area. The nature of any roads improvements required, and the contributions a developer might make, are not policy issues. The site includes land at the roundabout and Kilmartin intends to improve conditions for all road users. THC considers the roundabout needs to be upgraded, regardless of future development. Kilmartin's proposal will allow this to take place earlier than may otherwise be achieved. Roads issues will also have to be resolved at the Rail Yard, Torvean, and the Longman/A82 core.

8.68 The Kilmartin site is no longer related to any farm, and will never form part of a larger holding. While the City of Inverness East Inset Proposals Map appears to show it covered by an "A" designation, it also appears to be within the settlement boundary. This part of the urban edge has never been well defined and new houses have been allowed east and west of the A9. Building in the Inshes Expansion Area will further change this approach to Inverness. Document 65/21A shows how development on the site would fit into the existing and committed built-up area, alongside houses at Dell of Inshes, and no closer to the A9 at this point. It would then meet up with a shed adjacent to the A9. A 15-20 m wide belt of landscaping would form a long term defensible boundary, and development could be built into the ground. Buildings at Beechwood to the north have been allowed hard up to the trunk road. The Kilmartin site would therefore form an infill site, viewed from the road, and on plan. The Green Wedge extends to the east of the A9, and along the A96 corridor. The objection site is the last part of the wedge to the west of the A9 and its removal would not affect or disconnect any other part. While the amenity of adjacent residents has to be taken into account wherever bulky goods retail warehousing is developed, the existing houses take access from roads surrounding the District Centre. The Council has allowed large scale housing development, which has engulfed cottages originally in open countryside.

8.69 Policy 2:39 should therefore be redrafted to make clear that general comparison floorspace should be directed towards the City Centre in the first instance. It should also recognize that bulky goods floorspace is more appropriately located either within, or as integrated extensions to, existing District Centres, particularly those with similar types of retail floorspace, and refer to Inshes as the first preference to meet the need for bulky comparison goods. References to Torvean and the Longman/A82 core should be deleted. The Proposals Map should identify the Kilmartin site as suitable for an extension to Inshes District Centre to accommodate some of the bulky goods floorspace required. The site should therefore be omitted from the Amenity zoning, and shown within the settlement boundary, which should be more clearly identified. Even if it is concluded that the local plan does not require to allocate land for new bulky goods floorspace, the Kilmartin site should still be deleted from the Amenity area, as it can infill between two built areas on the edge of the City, and help to strengthen the long term settlement boundary in this location. The site could therefore be identified as land within the City boundary but with no specific zoning.

Focus Wickes Ltd

8.70 The objector's retail premises at Longman Road is now surplus to its requirements. As there is no demand for the site from another DIY/home improvement operator, alternative occupiers have to be considered. Given the existing use of the premises, this ought to be Class 1 use. The local plan should recognise that there are already business, industrial, trading, commercial, retail and educational uses in the area. The central "hub" for non-industrial uses mentioned in Policy 2:11 (which would include the objector's premises) sits uneasily with an "I" designation. This policy should be redrafted to set out a strategy for the Longman, based on a review of existing uses against environmental, transportation and development objectives, and recognising that retail uses could be acceptable, where these accord with NPPG 8. In addition, Policy 2:39 should identify locations for bulky goods retailing to reflect the sequential approach in NPPG 8, with existing out-of-centre sites (including the Focus Longman store) preferred in sustainability terms after City Centre and edge-of-centre sites.

MacDonald Estates

8.71 There are known operator requirements for food and non-food retail development in the Inverness area. Policy 2:39 of the DDILP is unduly restrictive. A local plan should plan for future needs, not impose embargoes on development. The HSP acknowledges that there is significant leakage of non-food expenditure from Highland. It also acknowledges that in the medium to longer-term, restructuring of foodstores may be required to provide for population increase. The local plan should provide sufficient flexibility to address these issues.

8.72 While the proposed modifications to Policy 2:39 are welcome, the plan should classify the Longman Estate, which already has a mix of uses, as a "mixed-use" area, and allow Class 1 retail use. There are no opportunities for additional bulky goods development on the 3 retail parks. The RIA (193/1) submitted with the objector's planning application for a non-food retail warehouse, garden centre, and bulky storage facility on the cement plant site on Longman Road indicates that the Rail Yard and Torvean regeneration sites are unavailable, and that Torvean is unsuitable, for this purpose. The A82/core of the Longman Estate is therefore the most appropriate location. Policy 2:39 should be further modified to identify the

cement plant site for retail development. This type of retailing is already established within the Longman area. A retail allocation would also accord with paragraphs 44 and 89 of NPPG 8, with paragraph 31 of PAN 49, and reinforce the local plan retailing strategy.

Safeway Stores plc

8.73 The plan should include an express presumption against retailing at the Longman Bay Action Area, other than ancillary to business/industrial uses and distributive trades. Policy 2:39 should make clear which Action Areas the Council consider appropriate for “bulky goods/warehouse retailing”. These should not include Longman Bay.

ASDA Stores Ltd

8.74 The local plan does not provide a clear, soundly based, policy framework for assessing retail proposals. Policy 2:39 should be redrafted to accurately reflect existing retail provision in the local plan area and beyond; and to recognise future growth in demand for retailing. The plan should presume against convenience retailing only if it has an adverse effect on the vitality or viability of existing centres, and should encourage improved competition and choice.

8.75 ASDA 1, which takes account of the information on household expenditure flows in ASDA 2 and ASDA 3, and of extensive surveys of retail floorspace in Inverness and the secondary catchment in early 2004, is more detailed and up-to-date than CD38 and CD39. Its main findings include that:

- supermarkets in Inverness serve a primary and secondary catchment.
- the limited size of markets in the secondary catchment limits the ability of new supermarkets to serve these areas. Inverness will therefore continue to have a role in meeting the needs of residents in the secondary catchment.
- Inverness is also an important convenience retailing destination for residents in the tertiary catchment, despite the long distances travelled.
- for comparison goods, Inverness is the main focus for the Highlands and beyond.
- although the introduction of significant new comparison floorspace in the city will have reduced comparison turnover rates, these are still very strong, and around the national average.
- convenience turnover rates are high, and, other than Invergordon, all the IMF towns are healthy.
- vacancy rates (by unit) in the city centre are 5.4% in the “traditional” centre and 9%, in the Eastgate Centre, compared with a Scottish average of 7%-10%. Even very successful developments have significant vacancies for a period. Eastgate II was 80% pre-let.

8.76 Table 3.3A in ASDA 1 indicates a net convenience “capacity” in Highland of almost £25 m at 2004. Applying the Mapinfo Brief 99/2 long term growth rate of 0.1% per annum to 2011, as in Table 3.3B, would increase this to £29 m, which could support a 4,800 sq m gross convenience store. Allowing for some comparison floorspace would give a 7,200 sq m gross store. While the tables do not take a view on catchments, previous forecasts appear to have substantially underestimated growth. If a 0.35% annual growth rate is applied, there would be £32.5 m spare capacity at 2011. Table 2 in Mapinfo Brief 04/02 (ASDA 4) forecasts an annual increase of 1.1-1.2% in convenience expenditure in the period to 2011, based on a

combination of past trends and economic factors. This is much higher than expenditure growth to 2003, but ASDA 4 reports that previous forecasts were statistically unreliable.

8.77 The household survey found that residents throughout Highland travel to Inverness for main food shopping, mostly by car, and strong support for additional foodstores in Inverness, particularly for an ASDA store. Given the area's low population density, travel distances will inevitably be longer than elsewhere. To improve retail provision, and enhance choice and competition for residents in Inverness and in the secondary catchment, additional floorspace should focus on Inverness, which is the most accessible location in the Highlands. Paragraph 2.2 of the plan should be amended to delete the reference to "limited" capacity for additional convenience shopping. Smaller centres already have medium sized stores and it is unrealistic to expect them to have a superstore. As regards town centre comparison floorspace, the figures in ASDA 1 require to be altered in the light of ISIS 2A. A comparison turnover of £4,500/sq m is realistic and £6,500 would represent gross overtrading. Arnotts, which closed as part of a company restructuring, probably accounts for most of the 14% of vacancies by floorspace, outwith Eastgate. There is market interest in reoccupying the site.

8.78 That all said, retail capacity techniques are of very little value in assessing the need for additional floorspace. While the actual figures in ASDA 1 can only be given limited weight, they nevertheless suggest a capacity at least 10 times greater than the Council assumed. CD39 is based on this type of flawed and unreliable approach, and also uses inaccurate information. THC's retail consultant agreed at the inquiry that, applying an annual convenience expenditure growth rate similar to that in ASDA 4, correcting "double counting" at Ness-side, and applying a turnover of £5,400/sq m, and a 60% net to gross ratio, would give capacity for up to 11,500 sq m gross convenience floorspace at 2011.

8.79 As the only sites that the plan identifies for retail development are those in Policy 2:20, and there is significant retail interest in Inverness, the plan must have a clear policy framework, so that proposals can be determined in a consistent manner, and in accordance with the HSP and NPPG 8. Policy 2:39 in the DDMILP fails in all these respects. The first sentence appears to be a policy objective for the City Centre, but there is no indication of the policy objectives elsewhere, and the reason for the reference to "sustainable City districts" is unclear. The second sentence seems to be a criterion for appraising proposals, but it is not clear whether "consideration against" means that the sequential approach is to be adopted. The test for developments over 2,500 sq m (gross floor area?) appears to be compatibility with "these principles", but it is unclear when impact is to be regarded as not "compatible".

8.80 The bullet point relating to convenience retailing does not define "consistent with", or how this would be decided, and makes no reference to "vitality" of convenience provision other than foodstores, or to the vitality and viability of centres. Despite the reference to "District/Neighbourhood" level, the plan only "defines" District Centres. It is therefore unclear whether any other centres are to be protected, and whether this extends to freestanding retail units. There are similar difficulties in interpreting the comparison retailing bullet. It is unclear whether the final sentence intends the 3 retail parks to have protection under the preceding parts of the policy, and from the policy approach identified in NPPG 8. It is also unclear what Council objectives are being referred to.

8.81 HSP Policy R1 supports developments that consolidate the shopping hierarchy, but the local plan does not identify the retail hierarchy in this area. Policy 2:39 appears to include the retail parks, although these do not meet the definition of District Centres in NPPG 8, and

should be categorised as “out-of-centre” locations. The same applies to Ness-side. Even if called “District Centres”, it does not follow that these are District Centres that are “town centres” as far as NPPG 8 is concerned, although the retail parks could be appropriate for non-food bulky goods floorspace, provided they meet the sequential test. Accordingly, the only centre in the local plan area that should be considered as a “town centre” in applying the sequential approach is Inverness City Centre. As regards the issues in paragraph 45, Policy 2:39 is poorly expressed in terms of protecting the overall development plan strategy, omits any reference to vitality, and appears to protect almost all existing retail development. It also ignores qualitative and quantitative retail deficiencies, transport and accessibility, and design and amenity issues. While the references to District/Neighbourhood shopping in Policy 2:20 appear to support Policy R2, Policy 2:20 does not identify the centres to which it applies. As these centres are likely to be limited in size, and to contain a range of uses, they will not accommodate the scale of additional convenience retailing identified in ASDA 1.

8.82 Policy 2:39 should be redrafted to make clear that:

- proposals for all forms of retail development (including convenience/supermarkets) will be supported in Inverness City Centre.
- proposals for retail development will be supported in locations where they support regeneration/development proposals identified in the plan and in areas of significant major new housing allocations (e. g. through the provision of needed infrastructure), provided that vitality or viability of existing town centres is not undermined.
- proposals for major food stores or other retail floorspace will be supported in other town centres, or in edge-of-centre locations, subject to there being no adverse effect on the vitality or viability of other town centres or local services.
- other proposals for retail floorspace, not located on sites within or on the edge of existing town centres, or on sites identified in the plan, should be assessed in terms of: compliance with the sequential approach in NPPG 8; not adversely affecting, either individually and cumulatively, the vitality or viability of city/town centres; the degree to which they tackle quantitative and qualitative deficiencies in retailing in the catchment; support integrated transport in particular non-car travel modes; and design amenity and environmental impacts.

8.83 This policy framework would allow a superstore at Longman Bay, with an improved football stadium, an upgraded A9 junction, and other facilities, including park and ride. This would support the local plan strategy, the realisation of a “gateway” and “urban village”, and help address the qualitative and quantitative deficiency in retail floorspace in the City. THC accepts Longman Bay is an out-of-centre, not an out-of-town, location, and that a store there, and at Ness-side, would result in convenience retail opportunities on each of the city’s key radial approaches. It refused ASDA’s offer to buy the site solely on the grounds of prematurity, and because it wished to obtain “best value” in the event that it was concluded that retail use was acceptable.

8.84 The present stadium has only 2,000 seats, and a capacity of 6,200. If ICT gains promotion to the Scottish Premier League, it will have to provide a 10,000 seat stadium. A superstore development would allow the stadium to be relocated, and bring significant community and economic benefits. A high value end use, within the southern part of the area enclosed by the A9 and the loop access road, would also support the costly infrastructure improvements, including to the A9/A82 junction, that would be required to implement the local plan proposals for the site. Other existing uses also require to be relocated, and the

closed landfill site remediated. Relying on public funding is likely to mean, at best, substantial delay. Retailing is also needed to provide a balance between the mix of small scale and large scale uses that the local plan envisages, which would otherwise sit uneasily together. This could be resolved by locating larger scale uses within the loop of the access road, and smaller scale uses on the remainder of the site.

8.85 To facilitate this, the entire stadium should be made a Policy BP2, not a Policy BP3, feature. If necessary, an additional policy could require an alternative facility if the stadium is redeveloped. Given the poor quality of the Proposals Maps, for the avoidance of doubt, the plan should make clear that none of the land between the A9 and the loop road is covered by Policy 2:11, or by an “A” designation. Policy 2:7(iv) should identify retailing as an acceptable use and both it, and Policy 2:30, should recognise that park and ride facilities could be linked to other development, including retail, at Longman Bay.

Inverness Caledonian Thistle Properties Ltd (ICTP)

8.86 The local plan should recognise the need for high value, uses such as retailing, to ensure the viability of the proposal promoted in Policy 2:7(iv). PAN 33: Development of Contaminated Land states that the prospect of enhanced land values is often an incentive to remediation, and that this is consistent with SE policy regarding sustainable development. The plan also fails to explain the remediation strategy required to prepare the site for development. This should be in place before potential uses are identified.

Inverness Estates Ltd (IEL)

8.87 IEL has been formed to promote the “Inverness Arc”, which covers Stratton Farm, East Seafield, Ashton Farm, and Beechwood Farm, and is pursuing the objection by ISDC Ltd relating to East Seafield, and the objection by Omnivale Ltd, relating to Stratton. IEL considers that development at these locations will provide the basis for a comprehensive approach to the wider planned expansion at the eastern edge of Inverness to the south of the A96 (IE1a). In this context, it seeks:

- an 8.5 ha allocation to the east of the Stratton distributor road at the southern end of Stratton Farm for a foodstore;
- a 24 ha allocation to the north of this for a bulky goods retail warehouse park; a “large box” DIY store; and “large box” trade operator, together with a leisure element; and
- an 8.6 ha allocation at East Seafield for a garden centre, and tourist and leisure use, including an hotel.

8.88 The proposed foodstore would be close to existing local facilities at Culloden. The HSP encourages more localised provision of food shopping in larger settlements, and recognises that restructuring of large foodstores could be required. THC regards District Centres, including Culloden, as suitable in principle for larger foodstores, and agrees that the level of provision in a District could be a superstore. There could therefore be a large foodstore at Ness-side, at Culduthel-Slackbuie, and at Culloden. The HSP notes that comparison expenditure is expected to grow significantly and that, despite improved provision in Inverness, there is still significant leakage from Highland. In response, it

encourages more retail development in town centres, but takes a more cautious view of comparison shopping within future retail parks. It does not state how much and what type of retail facilities will be required. IEL's retail proposals sit well within this permissive strategic framework. The local plan should not refer to specific amounts of new floorspace, but provide a locational framework for new facilities, leaving the nature and scale of development to be decided in the context of specific development proposals. It should also provide criteria (related to paragraph 45 of NPPG 8) for assessing proposals outwith this framework.

8.89 THC's position on retailing is informed by the "capacity" opinion in CD39. However, capacity tends to be equated with "need", whereas the key quantitative test under the Scottish planning system is impact. In support of this, qualitative issues must be taken into account. A capacity approach can also give a false impression of reality, and should not constrain the proper provision of new facilities. As the floorspace likely to be most affected would be the least efficient, most outdated, and least well-located, a welcome restructuring of convenience retailing could result. CD39 acknowledges that there is a qualitative argument for additional convenience floorspace in off-centre locations, serving residential Districts, as this would reduce the length of car trips, encourage walking, and possibly reduce traffic congestion. Its identification of potential for 2,500 sq m net convenience floorspace is based on a low, historic, expenditure growth rate, and is likely to be an underestimate. As far as demand is concerned, ASDA and Morrisons are both looking for a site for a large foodstore, and Sainsbury may be interested in the medium to long-term.

8.90 Demand for comparison floorspace has continued to strengthen. This factor, and the relative shortage of suitable quality space, are likely to increase rents in the medium to short-term, causing some retailers to move to more affordable secondary locations in the City Centre. This is not unusual following the introduction of a large amount of new floorspace, although current vacancies give no reason to be complacent.

8.91 The retail park market has also matured, with the IRBP attracting traditional High Street retailers. Retailers with premises in the City Centre are likely to regard these premises as complementing an out-of-centre location, and to retain both sites. With open Class 1 occupiers driving up rents at Inshes and the IRBP, bulky goods retailers will be unable to continue trading profitably there. Only 1 of 5 units at Inshes, and 4 of 12 units at the IRBP, are occupied by bulky goods retailers. At the latter, Powerhouse is due to be succeeded by a town centre type retailer in late 2004. Homebase, which has a rent review in 2½ years time, is also likely to move, and to have a town centre type successor. THC's "final" bulky goods surplus expenditure and floorspace estimates (THC-12/10A) do not take account of the presence of Argos, the impending departure of Powerhouse, or the likely Homebase scenario. Providing more bulky goods floorspace is unlikely to accelerate this trend, as it is due to higher rents and demand. Housing expansion in Inverness means that some bulky goods retailers in the Longman Industrial Estate and at Telford-Carse (such as B&Q) also require premises in a large modern retail park, ideally anchored by a foodstore and a DIY operator. Ikea, Makro, and Costco could also be attracted. Inverness should be making provision for these "large box" type units in order to compete with other cities in Scotland. There is thus a need for 2 new retail parks, rather than the one suggested by Halcrow.

8.92 Culloden is one of the largest and most populous districts in the city. Although the Tesco store at the IRBP means that residents with a car are well-served for main food shopping, the District has a food shopping deficiency, as there are only small top-up shops within walking distance of housing. The proposed foodstore would be well related to

housing, readily accessible by all means of transport, and accord with the HSP's aspirations for every-day shopping needs. The IRBP involves a 2.5-3 km return journey, compared with the normal 2 km catchment for a superstore. It also serves a region-wide function, and involves using the A96, which is already over capacity west of Barn Church Road. To reflect the allocation sought, "large foodstore" or a "supermarket or superstore" should be added to the service deficiencies in the DISTRICT: CULLODEN table. This would allow the impact of such a store to be considered, when an operator has been identified.

8.93 Stratton is better located than other parts of Inverness to comply with national, local and HSP transport policies. Encouraging local trips, thus reducing the need to travel, requires a balanced development mix. A Strategic Movement Strategy (IE/17) prepared for the Inverness Arc proposal illustrates how each element would contribute to sustainable solutions, while also helping to alleviate current constraints on the road network. The Council's LTS (IE/13), recognises its aspirations can only be delivered through a partnership approach. Its objectives for this area include extending rail commuter services to Culloden, reduced car commuting, and increased walking to work. The City-Vision shares these aspirations. The DDILP refers to the need for the SE to address deficiencies in the A9 and A96 corridors, and to the urgent need to improve the Smithton distributor road to provide for essential strategic economic development at Ashton, Stratton and Stoneyfield.

8.94 IE/17 predicts that the A96/A9 Raigmore Interchange will be congested in a 2006 base scenario, and that improvements will be required, irrespective of any new development. It also predicts that the IRBP roundabout will operate within capacity, with the addition of the proposed development traffic. However, it would operate slightly better with IEL's development, because of transferred trips. The Inverness Arc as a whole, which would include a new link road between Barn Church Road and the A9 near Inshes, would provide surplus capacity at Raigmore, although no assessment has been done of how this junction could cope with traffic generated by IEL's retail proposals alone. However, a separate assessment has established these proposals could fund dualling the A96 between the IRBP and Barn Church Road, a larger Barn Church Road/A96 roundabout, and improvements to the northern part of Barn Church Road (shown in IE1b). Most of the land required is within IEL's control and the roundabout could be designed to accommodate existing traffic, committed development traffic, and future development at Stratton, Ashton and East Seafield. The roundabout under construction will only accommodate new housing in this area.

8.95 The IEL retail sites are also well-served by public transport, including bus and rail. Inverness Airport is nearby. Residential streets to the south have modern footways, and there is a footway/cycleway along the southern edge of the A96 and the west side of Barn Church Road, between the IRBP and Smithton. Improvements to these networks will create links from all new development areas, encouraging fewer car trips. Walking could become an important mode of travel within the site, particularly between the non-food and food retail uses, and between the site and Smithton, although not for trips between Stratton and the IRBP. Bus services could be enhanced, and an increased catchment would produce more frequent services. A park and ride facility could be located within the 24 ha retail development site.

8.96 Large box" type units tend to stand outside the Halcrow analysis. Their operators would regard Highland (and probably Moray) as their catchment, and would find it difficult to locate anywhere else in the Inverness urban area. A retail park at Stratton and another near the SDR would be preferable to the DDILP proposals. A site at Inshes would have traffic,

amenity and landscape impacts, and in any event could not accommodate the entire requirement to 2011. Longman or the Rail Yard would concentrate bulky goods provision in the same area as Telford-Carse. Longman is also likely to lead to the erosion of industrial character and, like Torvean, is out-of-centre. Torvean would also have landscape impacts and, in common with the Rail Yard, will not be available for some time. It is far more sustainable for food shopping to be done as close as possible to home. It is also common sense that large-format DIY stores are better not located in town centres due (among other things) to their potential to significantly alter the grain of the urban environment.

8.97 While paragraph 86 of NPPG 8 does not make it wholly clear whether a local plan retail allocation requires to meet the paragraph 45 criteria, IEL's proposals would be broadly consistent with these because:

- (a) the new foodstore is intended to serve Smithton, Culloden and Balloch and related smaller settlements. It would be located as close as possible to the existing limited facilities at Culloden and allow residents to do their shopping with much shorter journeys. Any sequential assessment should therefore relate to Culloden. The IRBP is not in Culloden District, or a District Centre, and could be ruled out very quickly. There are no available or suitable sites within or on the edge of the city centre for the bulky goods retail park or the large-box stores. Whether these should be located adjacent to an existing bulky goods retail park or elsewhere is not relevant to the sequential approach, although a site adjacent to a District Centre would be preferred in that context.
- (b) none of the retail elements in IEL's scheme would undermine the development plan strategy in support of Inverness City Centre, given the recent investment and retailer confidence there. Any comparison allocations should be restricted to bulky goods, so as not to perpetuate current trends in the existing unrestricted parks, although this would be a challenge in the case of Costco or Makro, which are *sui generis* uses.
- (c) for similar reasons, there is little prospect that IEL's proposals would individually or cumulatively undermine the vitality or viability of the City Centre, particularly if appropriate planning conditions were applied.
- (d) the foodstore would address a qualitative deficiency for the residents of Smithton Culloden and adjacent areas. The bulky goods retail park would address a quantitative deficiency identified by Halcrow, and accepted by the Council. The large-box retail units (each 10,000 sq m or more) would address a quantitative and qualitative sectoral deficiency, which cannot be met within or at the edge of the Inverness City Centre, and allow Inverness to compete seriously with other cities.
- (e) IEL's proposals would not run counter to the Government's integrated transport policy. By providing a basis for a comprehensive approach, these can act as a catalyst for a network of walking, cycling, and public transport routes, in addition to making proper provision for access by car. The Council has often argued that the use of the car is perhaps proportionally more important within Highland than elsewhere in Scotland.
- (f) the comments under (e) above are relevant.
- (g) a key element of the Inverness Arc retail proposals is to comprehensively address current and forecast problems associated with the trunk and local road networks.
- (h) design issues would be considered as part of any subsequent planning applications.
- (i) in the context of the Arc proposals as a whole, IEL's retail elements would not undermine any other important policy objectives such as the re-use of vacant or derelict land, or the loss of good quality industrial or business sites. While THC would have to find a business allocation to replace Stratton in the short-term, this has been allocated for some time, and has not been taken up.

(j) while IEL's retail proposals would change the character of the area, this is already changing, and it is likely to come under increasing pressure in the future. The Council's proposals would also change local amenity.

(k) individual planning applications may require more detailed analysis, but the landscape and ecology evidence set out below indicates there are no environmental issues that cannot be satisfactorily addressed as part of a comprehensive approach.

8.98 There is already significant development at West Seafield and Stoneyfield. The DDILP promotes Ashton Farm and Stratton Farm for business and industry, with a link road from the IRBP. IEL's alternative vision to the DDILP, a mix of retail, business/industrial and housing development, illustrated in IE1 and IE1a, is preferable and more credible than the local plan proposals. If this land could all be brought forward as IEL suggests, its aspirations, the council's aspirations, and longer-term aspirations could all be realised within a planned framework, avoiding the pitfalls of incrementalism, and a series of local plan reviews.

8.99 Although Omnivale had sought a retail allocation at East Seafield, IEL had concluded this would be inappropriate and is now promoting a low density development that would provide a transition between the town and countryside, and an A96 tourist gateway to the City. The hotel would reinforce the Ashton Campus.

8.100 ISDC, while supporting business and industrial development at Stratton, had stated this would not happen if tied into A96 improvements, as business and industrial use would not lever the value needed to meet the necessary developer contributions. It had also suggested higher value uses, including a large format DIY operator, as offering the prospect of increased private funding. The financial appraisals in IE4 show that it would be impossible for the DDILP proposals to fund the level of infrastructure required to provide an acceptable transportation solution. However, IE5 shows that the comprehensive approach suggested by IEL could provide:

- a logical expansion of the City, joining it with Culloden and Smithton, but retaining a green corridor between built up areas;
- a secondary access to the area west of the A9, thereby relieving congestion on the A96;
- the land needed to accommodate expansion up to 2030, close to the existing built-up area, and with easy access to and from the A9 and A96, the railway, and the airport; and
- the infrastructure and facilities necessary to support the expansion of Inverness and the development profit required to fund their provision.

8.101 IE4 shows that the DDILP proposals would never reach a cash positive situation, and would require cover throughout. The Ashton Campus has been allocated for 10 years but has never been taken up. Although IEL's alternative would incur higher infrastructure costs, its higher value uses would allow borrowing to be reduced at an early stage. Assuming a 10-15 year development period, it would become cash positive in 2011. While IE5 was prepared for the entire Inverness Arc site, it is also relevant to the land allocations are being sought, as these are the economic drivers for the scenario as a whole.

8.102 Rapid growth at Inverness is leading to land availability problems, particularly for general industrial, warehouse and commercial use. Of the locations that have historically met business and industrial needs, the City Centre has provided traditional office accommodation.

The fact that the Carse Industrial Estate is almost fully developed, despite its poor quality, is testimony to the lack of an alternative supply. The Longman Industrial Estate, which is also nearly fully developed, is now a commercial/trading estate. Beechwood Park and the IRBP have mainly pavilion style office blocks. While the business parkland that is available may satisfy immediate requirements for offices, it is not sufficient to meet the City-Vision aspirations for the next 10-15 years. The industrial/business allocations proposed at the Airport, which are not consistent with sustainable transport policies, are unlikely to satisfy the need for industrial/business land in the short and medium term. Even when developed, these will serve a different market, and many business will regard them as too remote. A lack of deliverable land, specifically for 4-8 ha sites, is placing Inverness at a serious disadvantage in attracting footloose inward investment and will ultimately stagnate its growth.

8.103 Ashton, Stratton and Beechwood would provide sustainable business locations for existing firms seeking to relocate, and sites for potential inward investors. They have easy access to the trunk road network and the airport, to facilities for staff, and to housing, would provide a bridge between the A9 and the Airport and act as a springboard for development there. Any concern that Airport Development Initiative could be undermined also applies to the Council's (larger) business allocations for Ashton and Stratton. The 24 ha of business/industrial land shown in IE1a would provide only 10-20% of the land likely to be required within the next 10 years to meet the City-Vision aspirations. IEL's expectation of a take-up rate of 2 ha per year over the development period equates to only 1.2 years supply, based on the land supply rate of 20 ha per annum in the Inverness and Nairn Industrial and Business Land Demand Study 2000 (CD40).

8.104 Dualling the A96 between the Smithton Distributor and the IRBP is essential for any further development in this area. This will only take place if there is a "critical development mass". The road improvements described at paragraph 8.94 would be done first, to allow the retail elements to proceed. It would be impractical to dual the A96 incrementally as THC suggests. A new distributor road from the Smithton road, through Ashton, to the IRBP and the A9, with southbound on and off slips; and links to the B9006 and Caulfield Road would allow the entire area in IE1a to be brought forward. IE17 indicates that this network would operate satisfactorily. With the promotion of public transport, and park and ride, the impact overall would be generally neutral.

8.105 A new comprehensive surface water drainage system, based on SUDS principles, could also be provided. This has been agreed in principle with SEPA, THC and SW, and would comply with DDILP Policies GP3 and GP11, PAN 61, and other published policy and advice. Reduced run-off rates from wetlands would release flow capacity in water courses, and allow SW to address existing upstream flooding problems. Foul flows would be collected by new gravity foul sewers connected to an existing collector sewer in the lower part of the site, which leads to the Allanfearn WWTW. If necessary, a new sewer would be provided alongside. SW would determine whether Allanfearn would require to be expanded. SW is also considering options for upgrading water supply. Gas supply is unlikely to be a problem, and options for electricity are being considered.

8.106 East Seafield and Stratton could also be developed, in line with the principles in NPPG 14 and PAN 60. The Green Wedges shown in the DDILP do not coincide with the best wildlife habitats. The area is highly managed, generally of low nature conservation value, and has no legally protected nature conservation sites. There is unlikely to be any indirect impact on the primary selection criteria for the Moray Firth Natura 2000 sites. Key

habitats, namely the woodland at Stratton, and wildlife corridors along the railway line and water courses, could be retained, enhanced and managed. Mitigation would avoid adverse effects. There is also potential to enhance existing features and to provide new wetland habitats and wildlife corridors.

8.107 The area is within a “Rolling Farmland and Woodland” character type, with characteristics of Enclosed Farmland. Photographs in IE55 show that the flatness and openness of the site stand out. From the south, the Firth is dominant. The area has considerable capacity to absorb development in landscape terms, because it is fairly flat and provides scope for effective mitigation. From the Black Isle, existing development on the escarpment to the south is more prominent. The area is unlikely to be prominent from the Firth, already has urban fringe characteristics, including the IRBP, housing, the trunk roads, the railway line, and Raigmore Hospital; and is heavily influenced by human habitation. Continued agricultural use is under threat, and existing planting is in poor condition and appears unmanaged.

8.108 Landscape management, and how this is provided, is critical. EI1 illustrates how an integrated long term strategy, with repair and reinforcement of the existing landscape structure, could create a setting for new development. The LCA concludes that the most significant landscape impacts would be from the south, where the rural foreground would be transformed into a built-up area. The IEL Master Plan shows a significant swathe of low density campus and business parkland and very low density housing cutting through the most prominent parts of the site. Enhancing planting in this area and extending the woodland around Stratton Farm would provide screening over time, restore the appearance of former field boundaries, and provide a wooded backdrop. Development adjacent to the A96 would be very low density, compatible in scale with the landscape, and of a high quality design. Wildlife corridors could be integrated into this overall framework. THC’s intentions for Green Wedges are ambiguous, boundaries are arbitrary, and do not follow field boundaries. The area is not currently used by the public. IE’s proposal would provide a reason for going there, and achieve development without sacrificing Green Wedge objectives.

Brief summary of the Council’s responses to the objections

The plan’s retailing strategy

8.109 The HSP seeks to reinforce the role of Inverness in terms of its capacity to meet forecasted need; to encourage local provision of foodstores; and to consolidate comparison shopping in the city centre, recognising a role for retail parks in bulky goods sales, and placing a temporary moratorium on new non-food floorspace. Ensuring accessibility to retail facilities is central to all these objectives.

8.110 The Council’s aim is to provide the innovative and competitive retail sector that is required to support Inverness as a regional shopping centre; and, in parallel, to maintain and enhance opportunities, primarily for convenience shopping, in the small towns in the IMF. A new Tesco store in the sub-regional centre of Dingwall will bolster trade there and offer an alternative to food shopping trips to Inverness. A Sainsbury store in Alness has helped to regenerate this local centre, and permission has been granted for a new foodstore and specialist non-food retailing in Aviemore. The RIA for the latter noted the potential to claw back trade from Inverness. Negotiations regarding a Sainsbury store in Nairn are currently stalled due to the Morrison take-over.

8.111 The proposed modifications make the DDMILP robust, yet sufficiently flexible to accommodate identified floorspace requirements. In Inverness, it is geared to securing the viability and vitality of the City Centre; promoting foodstores of an appropriate scale in District Centres; encouraging bulky goods retailing at Longman-A82/core, at the Rail-Yard/College, and at Torvean; and recognising the role and potential of the existing retail parks. These aspects are part of a long-term development strategy, which incorporates the sustainable expansion of the City and related transport improvements, set in the context of the continuing regeneration of the urban area and an integrated landscape structure of Green Wedges. Outwith the City Centre, THC wishes to achieve a better balance in the distribution of retailing, which is currently skewed towards the east, to take account of the main areas of population growth, which are to the south and west. It therefore wishes to promote the City Centre, District and Neighbourhood Centres, and the small towns around the IMF, rather than see sporadic development at locations directed toward the car-borne shopper and away from residential areas.

8.112 The local plan, in association with the SDR, will also allow the even distribution of retail-related traffic on the City's radial arterial routes. The IRBP and Inshes are located within 2.5 km of each other, and on parts of the road network that are operating close to capacity at peak times. However, the sections of the network that are operating well within capacity do not serve a strategic retail location. Inner diversionary routes will allow traffic to bypass the City Centre, which will benefit from a traffic free environment, with opportunities for access by public transport. Expansion will create mixed use residential Neighbourhoods, consolidate 6 City Districts, and enable a degree of self-containment in services (including retailing) at District and Neighbourhood level. Phase V of the SDR, and the Cross Rail Link Road, will open up Ness Castle/Ness-side and Charleston, enable pedestrian priority/townscape improvements in the City Centre; and support viable District Centres. Residential areas to the south and west of the city will also have more direct access to Inshes and West Seafield. The cumulative effect of major development at Inshes and West Seafield and Stratton would not produce a coherent arrangement of major traffic generators.

8.113 Policy for the City Centre gives priority to regeneration, underpinned by City-Vision schemes, and will improve opportunities for comparison retailing. Beyond 2011, the plan highlights further expansion in the City Centre. During the plan period, the centre of gravity is moving eastwards, away from the River Ness. This makes it important to increase the appeal of the intervening, traditional shopping streets: High Street, Queensgate, Union Street and Church Street, which comprise part of the historic core.

8.114 The City Centre is capable of accommodating more general comparison floorspace than the figure identified in CD39. The Council resolved to grant planning permission for a Class 1 shopping mall at Academy Street (THC-12/12) in 1997, when permission was granted for Eastgate II. However, both projects had Debenhams as the anchor store, and the Academy Street permission was never issued. The Council is more than willing to work with potential developers to assemble City Centre sites, and is likely to be supportive of redevelopment at Strothers Lane, including retailing. It is probably unnecessary to identify specific retail opportunities in the City Centre as it is the first choice for general comparison retailing. However, the Academy Street site could be identified as such, if it was concluded it would come forward by 2011, although it might be unwise to introduce further significant floorspace while the City Centre is still adjusting to Eastgate II.

Retail capacity

8.115 CD38 concluded that THC might consider providing clear guidance to prospective retail developers, following the grant of the then outstanding West Seafield application; pursue a policy favouring the town centre; and impose a moratorium on major retail developments in and around Inverness, unless there was shown to be a clear market or geographic deficiency.

8.116 CD39 focused on updating a previous retail capacity model to identify key trends to 2011; a qualitative review to advise on the scope for consolidation; and observations on policy in the DDILP. It relied on surveys of 400 town centre users in 1996, and used in the 1998 study. Although somewhat dated, this was the only information available, and it was not unreasonable to use it in 2003. However, as the survey predated the IRBP, and Eastgate II, it probably underestimated the trade draw to Inverness. The model is nevertheless an appropriate tool for guiding future retail floorspace in Inverness to 2011. CD39's finding that convenience operators are likely to be trading significantly below national average rates, accords with impressions on visits to stores.

8.117 THC-12/10 (Appendix 2A) updates the retail capacity figures in CD39, taking account of the City Centre floorspace in ISIS 2A, and some "town centre" type comparison retailing at Inshes and the IRBP. These final figures, shown below (with CD39 figures in italics for comparison) are as follows:

Town centre comparison

2006	2011
- £39.876(- £16.589)	£20.595 (£43.882)

Convenience

2006	2011
- £3.368 (- £2.359)	£12.343 (£13.481)

Bulky goods

2006	2011
£10.137 (£3.5 m taking error in CD39 into account)	£38,066 (£33.265)

8.118 It is important to seek a broad balance between forecast future spend and the floorspace this could reasonably support over the agreed timeframe to provide flexibility, enable competition, and maintain a vital and viable town centre, while maintaining reasonably convenient access to those essential goods and services where proximity to residential areas is more important than choice or the ability to compare quality and price.

8.119 However, surplus convenience expenditure does not, in itself, indicate there is capacity for additional floorspace. The turnover figures are based on the assumption that existing retailers will maintain existing levels of floorspace at reduced turnover rates. In practice, additional entrants into the sector, or any new floorspace permitted, are likely to result in further reductions in turnover, which may be only partially offset by growth in expenditure; or in the rationalisation of floorspace through store closures. Rationalisation

could also result in a shift from convenience to comparison goods sales. This further supports treating “spare” comparison capacity with caution.

8.120 It is therefore correct for Policy 39 to require an RIA for proposals over 2,500 sq m. Economic factors, such as low interest rates, low oil prices, and political stability fostered high expenditure growth in the recent past. However, given current uncertainties, the growth applied in ASDA 1 should be treated with caution. On the assumption that CD39 “double accounts” Ness-side, surplus expenditure at 2011 would support 3,680 sq m net floorspace (2,500 sq m +1,080 sq m). Adding the 3,300 sq m net (assuming a turnover of £5,400/sq m) that could be supported by the additional £18 m of convenience expenditure that a 1% annual increase in expenditure would produce, would give a figure of 6,880 sq m net (11,500 sq m gross at a 60% net to gross ratio). However, Table 2.2 in CD39 assumes that a new store is built at Ness-side between 2003 and 2006. In any event, some “surplus” expenditure is likely to be devoted to higher value products, rather than additional floorspace.

8.121 CD39 confirmed that, following the completion of Eastgate II and West Seafield, there would probably be surplus general comparison floorspace at Inverness, and thus a period of consolidation, so that at some point between 2006 and 2011 available expenditure and turnover would again be in balance. The revised figures indicate a larger expenditure deficit at 2006, and a smaller surplus at 2011. ISIS 2A indicates (on the basis of a 75% net to gross ratio) that vacancies in the City Centre are currently about 14%, 7% if Arnotts is excluded. This also supports a period of consolidation to 2006. Assuming a turnover of £4,000/sq m, £20.5 m surplus expenditure could support 5,000 sq m net additional floorspace. This could be taken up by one large development in the city centre.

8.122 The Council’s latest bulky goods expenditure figures are based on a 3.5 % annual growth rate, similar to Mapinfo. The increases relative to CD39 reflect some town centre uses in retail parks (excluding Argos, which would not alter the figures in Appendix 2A significantly). They also assume that Powerhouse and Homebase remain. The £10 m surplus expenditure at 2006 could support an additional 3,800 sq m net, while £38 m at 2011 could support an additional 14,600 sq m net. However, there is scope for about 3,000 sq m at Inshes, where about 2,200 sq m is currently open to offers, an application for 465 sq m of non-food space remains to be determined, and a large building has recently been vacated.

8.123 Two new bulky goods sites may not be required, and providing for more than 14,600 sq m net could accelerate the departure of bulky goods retailers from retail parks. Relocation decisions are likely to reflect the type of accommodation available. It cannot be assumed that only town centre retailers can afford high rentals. The alleged strong market demand for “big box” units has not been proven. Any bulky goods floorspace allowed outwith the City Centre should be conditioned to that particular use.

Centre/edge-of-centre locations

8.124 The local plan seeks to give primacy to the City Centre as a location for personal/town centre comparison retailing. If it is concluded that this needs to be clarified, Policy 2:39(a) could be modified to state that “*in the first instance, primacy will be given to the City Centre as a location for comparison retailing*”. The reference to the “*sequential test*” is intended to embrace all retail proposals. An express requirement to assess any proposal beyond the allocations in the plan, among other things, under paragraph 45(b) of

NPPG 8, would provide a link back to Policy 2:1, and further strengthen City Centre policy. The plan could also state that the only town centre in Inverness is the City Centre.

8.125 The City Centre boundary in the DDILP was probably a drafting error. The boundary proposed in the DDMILP includes land to the west of the river, and the Rail Yard and Cross Rail Link Road. These fringe areas are appropriate to regenerating the riverfront and other fringe locations, although retailing should be mainly directed to the core commercial area.

8.126 It is 3 years since the HSP was approved. In addition to serving a wider area, the IRBP and Inshes now function as District Centres, and, with Ness-side, deserve to be regarded as such. The final sentence in Policy 2:39 in the DDMILP is intended to clarify this. While these “centres” have a measure of priority in terms of the sequential approach, the hierarchy in Inverness comprises the City Centre, District Centres, and Neighbourhood Centres. Any impression that District or Neighbourhood Centres have the same status as the City Centre ought to be corrected. Given the range of facilities District Centres are expected to accommodate, these are unlikely to offer substantial retailing opportunities in any event. That said, the Council has been caught up in its own web, and “drawn into” something of a grey area. Notwithstanding its terms, the Ness-side permission is effectively for a Neighbourhood facility, albeit serving a District.

8.127 A District Centre at Ness-side would relate well to existing and future population distribution and to traffic capacity. However, a significantly larger development than already granted would have significant traffic, amenity, design, and housing mix impacts and would require to await completion of Phase V of the SDR, or at least a commitment to construction of the road. A development similar in scale to Inshes District Centre would need about 11 ha, and could mean the loss of 100 house plots. This could fragment the District facilities, and affect the viability of facilities considered supportable at District/Neighbourhood level, such as a primary school and health centre/surgery.

8.128 The template in Policy G2 is not intended to be prescriptive and whether each District ultimately supports a supermarket or a superstore will depend on a range of factors. The policy would be clearer if it referred to a superstore or food supermarket. Ness is the smallest of the City’s Districts. The table on page 44 of the DDMILP reflects the fact it is unlikely to exceed or, upon reflection, attain, a population of 9,000. In any event, Policy 2:39 requires a foodstore larger than 2,500 sq m to be justified by an RIA. Ness-side is the location least likely to draw custom from the wider IMF, and least likely to affect the City Centre or the existing retail hierarchy, although it would benefit from improved accessibility to the population to the west of the canal and south-west of Inverness. As the SDR is likely to be completed towards the end of the plan period, any development greater than what has already been approved would be post-2006. In the interim, the intended Development Brief could “test” the options and reserve land in the event that such requirements materialised.

8.129 It would be consistent with the strategy, in principle, to direct bulky goods floorspace to land adjoining Inshes, if a site in, or on the edge of, the City Centre, or in a District Centre, was not available. However, District Centre status does not mean that adjoining land is necessarily suitable for retail expansion. The Lidl and KPG objection sites both involve a major breach of policy. Given the alternative retail locations identified in the local plan, neither should take precedence over parkland and recreational priorities, or over local amenity factors. It is also essential to curtail expansion here in order to secure better retail distribution and make better use of planned investment in infrastructure.

8.130 The Lidl site is separated from the District Centre by a distributor road. Retailing there would result in a significant intrusion into the proposed District Park. As the local plan is providing a land use and policy framework for the next 5-10 years, it is irrelevant that the objection site has not been laid out or used for open space. It would be part of a major open space proposal of 22 ha, and would be integrated with adjoining land. The adopted local plan identifies a significant deficiency in structural open space, and the Council has been assembling land for this purpose over several years. Retailing opportunities within District Centres at Ness-side, Culduthel-Slackbuie and Culloden, and at Telford Road, fit the locational criteria listed by Lidl, and allow choice and competition. The absence of a second convenience store at Inshes is not contrary to NPPG 8 and the objector's description of the nature of a Lidl store does not offer comfort that it would remedy the deficiencies alleged. NPPG 8 allows additional competition by permitting "*re-use of existing non-retail premises in existing centres...*". A letter from local residents (THC-12/8) supports the local plan.

8.131 The scale of development envisaged by KPG would require substantial road improvements. Inshes roundabout is presently overloaded at peak times and is predicted to exceed its design capacity by 2006. Major improvements - at grade - involving signals arrangement and dedicated slip lanes to the retail park and Police HQ, provisionally costed at £950,000, are intended to relieve congestion and facilitate the expansion of Inverness, taking account of increased traffic as a result of the SDR. While the design expectancy of such works will require to be monitored carefully, the Director of TEC Services advises that a further 10,000 sq m of retail floorspace at Inshes would accelerate the requirement for a grade-separated junction, and for further improvements to the A9. The willingness of developers to contribute to the cost of upgrading should not outweigh policy considerations. That all said, the traffic impact of any particular development generally falls to be assessed in the context of a planning application.

8.132 Development on the KPG objection site would also result in a significant incursion into a Green Wedge, and reduce the effectiveness of the lower reaches of the wedge, which gives a context to the urban edge in views from the A9. It would also diminish the present open foreground and its association with a fine stand of poplar trees which help absorb views of the retail park from the trunk road. Intensive bulk buildings close to the road would no longer be visually contained north of the B9006 over-bridge. The nature and scale of retail buildings, servicing and related activity would cause significant disamenity to the occupiers of the smallholdings at Dell of Inshes which abut the site. The present 50-100 m buffer from intensive activities at the retail park would be reduced to nil.

8.133 A superstore at Culloden could be appropriate, if shown to be consistent with the strategy of promoting the City Centre and sustainable Districts. However, a sufficiently strong case for an allocation has not been made out. There would be no qualitative improvement, as major retailing would be further concentrated in the east of the city. IEL's proposals would also exceed projected floorspace needs for the period to 2011, and threaten the city's existing retail structure. The edge-of-(City)-centre foodstores at Rose Street, Tomnahurich Street and Telford Street would be particularly vulnerable.

Edge-of-centre/out-of-centre locations

8.134 The objection sites at Telford Street/Friars Bridge and Telford Street/Balnacraig Lane represent redevelopment opportunities within the urban area. However, traffic

deficiencies militate against retail development at the former; and determine the extent of retailing activity acceptable to the Council at the latter. Policy 2:61 in the DDMILP reflects the principle of retail activity at a scale commensurate with the existing building, its proximity to housing, and traffic factors. This was consistent with the council's position regarding the CLEUD application, which had been submitted at that time.

8.135 The Rail Yard/College is an edge-of-centre opportunity with scope to strengthen the City Centre, post 2006. It depends on land assembly, and on completion of the Cross Rail Link Road, for which THC has provisionally allocated £5 m in each of the years 2007-08 and 2008-09. The link road scheme design takes account of the traffic implications of retail development in this area. However, the Council witness could not confirm whether these implications were taken into account in drafting the proposed modifications to Policy 2:39.

8.136 Bulky goods retailing at the Longman A82/core (which THC regards as encompassing properties in the vicinity of the A82 and the roundabout at Harbour Road) would fit well at this location. While currently out-of-centre, it will become edge-of-centre when the Rail Yard site is developed. Both sites, although close together, are in sustainable locations close to the City Centre and would help reduce car journeys. This area is already the focus of intensive mixed use activity, is well related to the main road network and, in due course, will be well related to the Cross Rail link. To be consistent with Policy 2:39, "*outwith the A82/core of the Longman Estate*" should be inserted in Policy 2:11, after ... "*Further to (39) below,*". Bulky goods retailing here would also be consistent with redevelopment objectives and improve an important "gateway" to the City Centre. Although the absence of a resident population nearby makes it unsuitable for convenience retailing, existing Class 1 uses, and the regeneration potential of adjacent land towards the Centre, make it a better location for bulky goods than expanding District Centres.

8.137 Recently granted and outstanding planning applications provide a reasonable prospect of creating almost 12,000 sq m of additional floorspace here in the period to 2011. Bulky goods retailing at the MacDonald Estates site would be appropriate in land use terms. Whether this site could accommodate a single-user, and traffic implications, are development control matters. The current planning permission for the Focus Wickes site is specific to the operation and site concerned. While some business and industrial sites would be lost, Policy 2:11 recognises the mixed use character of the Longman Estate, and replacement sites could be developed at other locations. The plan provides for business and industry as part of sustainable City Districts. Not defining the "A82/core" on the Proposals Map provides flexibility and avoids constraining the scope for land assembly. Land ownerships in the area are fragmented, and there are uncertainties regarding the availability of property. Regeneration is already underway and further opportunities may emerge adjoining the main A82/Harbour Road roundabout. However, given projected floorspace needs, the objectives of the local plan, and the provisions of NPPG 8, it would not be appropriate to open the remainder of the Longman Estate to retailing.

8.138 Longman Bay is a key development "hot spot" located at one of the City's "gateway" entry points, and a "landmark" site with potential to drive economic activity and City regeneration. The council's priority is to draw on the site's uniqueness and promote a development package appropriate to its position and sense of place. Policy 2:7(iv) envisages a high intensity, mixed use/urban-village in the Action Area. The seaboard to the south-east is earmarked for remediation and restoration of the former landfill site for recreation/amenity purposes as part of a Green Wedge extending through to the A96 and Culloden. This concept

is founded in the adopted Local Plan and in the 1997 Vision for Inverness, and is carried through to the City Vision. A figure of £100,000 is allocated from the City Growth Fund in the period to 2006 for comprehensive design/masterplans for key City regeneration sites. The provision of East Longman/gateway visitor facilities are earmarked for the longer term.

8.139 As there are alternative locations for retailing but no comparable “gateway” heritage/visitor opportunity in the City, the planning objectives for the site, which embrace the principles in PAN 33, would be ill-served by a large scale use which would not sit comfortably with the City-Vision concept and would be profligate with land. The fundamental breach of NPPG 8 and HSP policy which would attach to a superstore at this location would not be offset by the development “gains” described by ASDA. While an RIA would be required to assess the impact of a particular store, any retailing at this location, which might attract other operator interest, would create a major “interceptor” to passing traffic, to the detriment of the City Centre and the outlying IMF towns. Park and ride facilities would link to development at the site, which need not be retail. The Council has already agreed that the City of Inverness West Proposals Map should be amended to exclude the car parks at the stadium. However, the playing field ought to continue to the safeguarded under Policy BP3. Policy 11 applies to the west of the A9.

Out-of-town locations

8.140 Large scale retail development at East Seafield or at Stratton would be least compliant with the sequential approach, a major breach of national and regional policy, could prejudice the local plan strategy, and damage the viability and vitality of the City Centre. As East Seafield is highly accessible to the secondary catchment, it could also undermine retail investment in Nairn, Dingwall, Alness, and Aviemore and destabilise the area’s shopping hierarchy. A tourist development at East Seafield could also compete with proposals for regeneration sites at Torvean, Longman Bay, Glenurquhart Road, and Muirtown Basin.

8.141 East Seafield is also part of the open foreground setting for Culloden. The local plan protects this area as part of a Green Wedge and as a parkland setting for the major “campus” at Ashton. This open character is fundamental to creating the high quality ambiance required to attract businesses in the footloose/high-technology sector. The most recent assessment (in CD40) identifies a requirement for an additional 66.0 ha of business land to 2016. With stocks at the Longman and Carse Estates depleted, and a growing requirement for “greenfield” locations close to the city, Stratton is likely to have to be brought forward by 2011. It is imperative it is not diminished by inappropriate uses. Development adjacent to the A96 would obscure such future uses, reduce views from the site towards the Moray Firth, and diminish its attractiveness to the market. The Ashton and Stratton sites promoted in the local plan are defined by distinctive raised beach and burns adjacent to Barn Church Road, giving symmetry in the set back from the trunk road and a “green corridor” that diminishes with proximity to the City. As open space and a landscape asset, this area could provide for a range of recreation, public access and conservation activities. Any transport “gains” in the form of the road upgrading described by IEL would not outweigh non-compliance with NPPG 8 in other fundamental respects. Public transport objectives could be met in conjunction with the uses for which the Stratton site is already identified.

8.142 While unaware of a financial feasibility exercise having been done for the purposes of the DDILP, the Council witness was satisfied that the Council would have considered the infrastructure required to implement the plan’s proposals for this area. Policy 2:7(vii) simply

reserves Ashton for large scale/specialist uses. THC would not expect development to be activated there until a bespoke user emerged. Two business allocations in the same sector of the City (the IRBP and Stratton) are unlikely to have been developed simultaneously, but THC is keen to see Stratton come forward now, possibly phased with incremental road improvements. The SE has been approached to assist with this. The City-Vision sees the Airport, which has Assisted Area status, as a key economic driver. Progress has been made in bringing land forward there, and planning permission has been granted for the new road proposed in Policy 3:4. One of the aims of the A96 Master Plan, which is looking at the area to the east of Balloch, is to test the concept of a critical mass of new development, with the Airport as a first phase.

8.143 The scale of development that IEL envisages bears no resemblance to the Council's aspirations, and would reduce the scope for ecological and landscape improvements. The effect of major development at Stratton would filter through to Beechwood, causing it to take on a different character. Developing both sides of the Smithton distributor would result in the loss of visibility of the Ashton campus site. It is important that the land to the west is kept as green space. The Green Wedge concept is based on a holistic view of the City and its setting, with Wedges penetrating into, and linking, the main urban areas. The Council regards these as inviolate green spaces that provide a footprint for the City for the next 10-15 years. The aim is to ensure that residents have ready access to substantial green space. As Wedges are extensive they can also provide a landscape setting, wildlife corridors, and outlets for excessive flood waters. The SE has endorsed the concept, and provided financial support.

Torvean

8.144 The bulky goods opportunity sites in Policy 2:39 were assessed in terms of NPPG 8 when the local plan was being prepared. Torvean would not be a Green Wedge if the local plan is adopted as proposed. Bulky goods retailing there would improve distribution on the south-western periphery of the city and develop synergy with other sustainable objectives, notably park and ride. It would also help to regenerate the area, which includes a former quarry, and where the new road will have some spoiling effect, as well as assisting the City's economy. The extent of the developed area will be defined in the Development Brief prepared for the Action Area, but will be larger than the KPG site. However, implementation depends on land assembly and on completion of the SDR, and is unlikely to offer a realistic opportunity before 2006.

Conclusions

General

8.145 I adopt the account of the factual background and policy context to this topic, at paragraphs 8.2-8.36. As I have previously concluded, the local plan must take account of national planning policy guidance. National policy regarding Town Centres and Retailing is contained in NPPG 8. In addition, in order to be adopted, the plan requires to conform to the approved structure plan. As PAN 49 makes clear, structure plans and local plan are inter-dependent, and in many ways complementary.

National policy context

8.146 NPPG 8 does not require a “need” for additional shopping facilities to be demonstrated in terms in order for development plans to provide for new or additional floorspace. It explains that the Government’s broad policy objectives for retailing are wider, and include maintaining an efficient, competitive and innovative retailing sector offering consumer choice, consistent with the overall commitment to town centres.

8.147 NPPG 8 also expects planning authorities, in considering whether additional retail development is required, to reflect the primacy of town centres, and to promote comprehensive policies and proposals for sustaining them, including in development plans. To this end, it advocates a sequential approach, whereby first preference for all types of shopping should be town centre sites, where sites or buildings suitable for conversion are available, followed by edge-of-centre sites, and only then by out-of-centre sites in locations that are, or can be made, easily accessible by a choice of means of transport.

8.148 As far as the policy guidance in paragraph 84 of NPPG 8 is concerned, the retailing policies in the DDILP, and in the DDMILP, have been overtaken by events in some respects, including the opening of Eastgate II, the floorspace and capacity figures produced in the course of the inquiry, and changes in the balance between general comparison and bulky goods retailers in some retail parks. CD39 is likely to underestimate trade draw to Inverness, following recent retail expansion. In the light of this, and the scale of population and economic growth planned for the city, keen developer and operator interest in new floorspace is not surprising. However, this does not mean that the plan must seek to accommodate this interest in full, irrespective of its planning consequences. In practice, a balance has to be struck between making fair and reasonable provision for competition, innovation and choice, while retaining a commitment to town centres. The main limitations of relying on a purely quantitative approach in these respects are identified in ASDA 1. These include that conclusions are determined by the nature of the assumptions made and the data used, and that they are unlikely to reflect outcomes in practice.

8.149 That said, the evidence indicates, and the Council agrees, that the local plan should make provision for further retail floorspace at Inverness. This brings paragraphs 44 and 89 of NPPG 8 into play. Thus the plan should indicate the location, order, and type, of additional floorspace that it regards as appropriate, and identify sites. Policy 2:39 of the DDMILP, which represents the Council’s latest published policy approach to this issue, falls short in terms of providing clear locational guidance, particularly in relation to “bulky/white” goods, for which it refers only to “possible opportunities”. Unlike the DDILP, it also fails to identify the criteria to be used in assessing proposals outwith preferred sites.

8.150 NPPG 8 also expects the retail provisions made in development plans to be consistent with its own general policies, including the considerations in paragraph 45. These include tackling qualitative or quantitative deficiencies that cannot be met in, or at the edge of, a town centre. This indicates that locations that are promoted for retailing in a development plan ought first to have been assessed against the criteria in paragraph 45, which include satisfying the sequential approach. It is therefore regrettable that the NPPG 8 assessment that the Council stated it carried out in preparing the local plan was not made available to the inquiry.

Structure plan policy

8.151 The HSP seeks to support the consolidation of the established shopping hierarchy in Highland, which ranges from the regional centre of Inverness, through sub-regional and local centres to village and neighbourhood shops. As part of this approach, in addition to supporting Inverness, and in line with NPPG 8, it regards it as vital to maintain and enhance the role of existing retail centres outwith the City, and rural retail facilities.

8.152 CD44 confirms that none of those who participated in the inquiry takes issue with the Primary, Secondary, and Tertiary Catchment Areas for Inverness in CD39 (reproduced as Map 2 in THC-12/9). These indicate that the City is likely to be unchallenged as the regional shopping centre. However, in addition to the area immediately around the city, the PCA includes the towns of Nairn, Dingwall, Alness and Aviemore. Recent or current retail developments in some of these towns are consistent with the HSP objective described in paragraph 8.151, and should improve the ability to retain local expenditure, particularly on convenience goods. While it is unrealistic to expect these sub-regional and local centres to be self-sufficient, the HSP also expects everyday shopping needs to be met at a very local level, in order to reduce the need to travel, and avoid disadvantaging less mobile sectors of society. The way in which these needs are best met will depend on the particular circumstances concerned, and the HSP acknowledges it is a matter of judgment where the community interest lies. It does not follow that a major foodstore will always be appropriate.

8.153 The HSP does not provide any guidance on the amount of additional floorspace that ought to be provided in the Inverness area, or elsewhere in Highland, nor does it define “major foodstore”. However, as it describes retail proposals of over 2,500 sq m gross as “major”, it is reasonable to conclude that it regards a “major foodstore” as within this 2,500 sq m threshold. The HSP also requires proposals for major retail developments to be supported by information in line with Strategic Policy G3 (which deals with Impact Assessments) and with NPPG 8. On this basis, a local plan policy requirement for applications over 2,500 sq m gross to be accompanied by an RIA would conform to the HSP. Such a requirement would also accord with paragraph 49 of NPPG 8, which states that all applications for major retail developments over 2,500 sq m gross should be supported by information which allows the planning authority to address the issues in paragraph 45.

8.154 HSP Policy R6 supports proposals for retail warehouses outwith existing or proposed retail parks only where suitable sites cannot be identified within these parks. CD38, which represents the review for Inverness described in the policy, identifies capacity for additional floorspace, but does not alter this basic locational principle.

The local plan’s treatment of retailing as an issue and the retailing hierarchy

8.155 On the basis of my conclusions this far, I consider that the local plan lacks the clear policy and locational framework that is needed to provide a sound and consistent basis for the assessment of retailing proposals, and to allow investment decisions to be made with confidence. While the plan could benefit from a chapter devoted to retailing, rearrangement on a sectoral basis would involve fundamental restructuring. This would be likely to result in significant delay in progressing towards an adopted plan, which would be highly unfortunate. I therefore conclude that the best way forward would be for the Prospects section in Chapter 2 to be expanded to explain the basis, objectives, and principles, of the plan’s retail strategy; the retail hierarchy that will apply in the local plan area, and within the City of Inverness; and

how this relates to the plan's strategy for the City Centre. It should also indicate, in broad terms, the order and type of additional floorspace for which the plan seeks to provide, and the basis for this. As matters stand, policies and proposals with a bearing on retailing are found throughout Chapter 2, at various locations, and are not all mutually consistent.

The City Centre and its boundary

8.156 Policy 2:1 in the DDMILP, which seeks to address criticisms of its predecessor, supports the City Centre as the focus for retail, commercial and business activity in Highland. I find it to be a fair reflection of the principle, reflected in HSP and in NPPG 8, that the City Centre should always be the first choice for all types of shopping, where suitable sites and premises are available, unless the development plan, or the NPPG, provide for a particular exception. Adding a sentence to the policy, to the effect that only the City Centre constitutes a "town centre" for the purposes of the sequential approach would be consistent with this.

8.157 Policies 2:2-2:6 (which are considered at Chapter 9 *ibid*) underpin Policy 2:1. These are also part of the local plan strategy for the City Centre, and cover the issues listed in the final bullet point in paragraph 89 of NPPG 8.

8.158 The City Centre boundary in the DDILP is drawn much more tightly than the boundary in the adopted plan, and appears to be a drafting error. The DDMILP restores the adopted plan boundary, which includes both river frontages and adjoining land to the west of the river, and adds the Rail Yard. I conclude that it is appropriate to retain the western river frontage and adjoining areas in the City Centre. These areas contain important civic and public buildings that are integral to the character and functioning of the central area of the City. The DDMILP boundary would satisfy the Aldi Stores Ltd objection. Including the Rail Yard site, which is close to Eastgate II and the new Safeway store, would be likely to assist in realising a valuable opportunity to consolidate and strengthen the City Centre, as the focus for retail, commercial and business activity in Highland, through the regeneration of vacant and underused land. There is no duly made objection that this area ought not to be included in the City Centre.

8.159 The only construction I can place on the term "wider City Centre" in Policy 2:1 is that this refers to the area within the Centre, but outwith the core shopping streets described in the previous sentence.

The local plan's approach to retail locations outwith the City Centre

8.160 As the HSP recognises, it is not always appropriate, or consistent with the principles of sustainability and social justice, to locate convenience floorspace exclusively in the centre of a large settlement. Such centres, for various reasons, are often also not suited to bulky goods retailing development. It would therefore be logical for the plan to have a policy, setting out the principles that will apply in considering proposals for retail development outwith the City Centre before moving on to policies for Action and Expansion Areas. Policy 2:39 in the DDILP does not focus clearly on this, nor does the DDMILP version of the policy.

8.161 In this regard, the concept of sustainable districts and neighbourhoods, each able to support its own facilities, is consistent with the approach in the HSP, including Policy R4, and thus with paragraph 12 of NPPG 8. The adopted local plan reserves sites for "District

Centres” at Ness-side, Culduthel-Slackbuie, Inshes and Culloden. However, this does not mean that the term has to be retained in the replacement plan, as a local plan review is an opportunity to reappraise policies in the light of current circumstances. Significantly, the adopted plan pre-dates NPPG 8, where the definition of “town centre” encompasses “district centre”, but expressly excludes retail parks. It is also difficult to reconcile the terms of the proposed modification to Policy 2:39, whereby the retail parks at West Seafield, Inshes, and Telford-Carse would be regarded as District Centres “*in the context of NPPG 8*” with this definition. It is possible that the Council did not appreciate when it promoted the proposed modification (or the modification to Policy 2:20) that these had the potential to undermine the sequential approach advocated earlier in Policy 2:39. In any event, this inherent inconsistency ought to be rectified.

8.162 Retail parks in Inverness nevertheless serve a dual function - as a focus for the local community, in providing for convenience shopping, and leisure and other local facilities, thus the proposed modification to Policy 2:84 is appropriate - and a wider catchment, as a comparison and/or bulky goods shopping destination. The local plan should recognise this dual role, which amounts to more than that of a “Neighbourhood Centre”. The term “District Centre” also reflects the established hierarchical District/Neighbourhood structure of the city’s communities, and the Settlement Hierarchy in Appendix 1 of the HSP, which is intended to underpin the pattern of retail provision in the City. I therefore conclude that it ought to be retained. However, the plan should make clear that the locations to which the term District Centre is applied are not town centres for the purposes of NPPG 8.

8.163 For the same reasons, the proposed modification to Policy 2:20 of the DDMILP, whereby Charleston, Ness-side, Culduthel-Slackbuie, Inshes and Culloden would be “*defined as District Centres in accordance with their functions and NPPG 8*” should not be accepted. This policy, which is headed “District Neighbourhood Centres/Parks” should also make clear which of the locations to which it refers are District Centres, and which are Neighbourhood Centres; how these types of centre differ in terms of their retail function; and how they fit into the retailing structure in Inverness.

8.164 Giving preference in principle to sites within or adjoining defined District or Neighbourhood Centres over out-of-centre and/or free-standing sites as locations for new retail development would be consistent with the sequential approach and with the retail hierarchy identified at paragraph 8.162. To allow this approach to be applied clearly and consistently in practice, the boundaries of District and Neighbourhood Centres should be identified on the relevant Inset Proposals Maps.

8.165 Policy 2:38 appears to be intended to relate to community facilities other than retailing. If so, the plan ought to make this clear.

8.166 It would be sensible for the local plan to recognise the lawful use of the Klondyke Garden Centre site, which has now been established as including Class 1 (shops). However, notwithstanding its location adjacent to the Telford-Carse Retail Park, it could also be suitable for other urban uses, subject to compatibility with relevant site specific considerations. The DDMILP policy reflects this. The proposed Development Brief would help to clarify at an early stage whether this 0.8 ha site could accommodate a development mix that included all the uses listed in the policy.

General comparison floorspace

8.167 Expenditure and capacity calculations for general or “town centre” comparison goods were produced by the Council, by ASDA, and by RSA/ISIS. These calculations have to be viewed in the context of the shortcomings of quantitative analyses explained in ASDA 1. The figures they produce will be determined by the assumptions that are made, including future expenditure levels. While recent expenditure growth has exceeded expectations, prospective economic uncertainties could be discouraging in the future. In addition, distinctions between convenience and comparison goods retailing, and between town centre and retail park type goods, are becoming increasingly blurred, as superstores and traditional retail park retailers widen their goods range. ASDA 1 also counsels considerable caution in interpretation.

8.168 Against this background, THC and RSA/ISIS agree that, following the development of Eastgate II, there is likely to be a surplus of general comparison floorspace in the Inverness catchment, at least to 2006, and only limited capacity for new or additional floorspace, for the remainder of the plan period. The £20 m of surplus expenditure estimated by the Council (which it considers could support about 5,000 sq m net additional floorspace) is higher than the RSA/ISIS figure. This could nevertheless still be conservative, as ASDA’s figure is about 10 times higher.

8.169 In any event, as ASDA accepts, actual figures can only be given very limited weight. I am also satisfied that, as and when surplus expenditure capacity does arise, there is a good prospect that very significant provision can be made the City Centre. Identifying locations such as Academy Street (which was seen a potential alternative to Eastgate II in 1997), and Strothers Lane, as possible opportunities for development would be a proactive approach. It would also be consistent with the expectation, in paragraph 89 of NPPG 8, that local plans should identify sites for new commercial and leisure developments within town centres at least, as part of a town centre strategy. Making clear that these sites are intended for development post-2006 would address THC’s concern regarding the introduction of significant new floorspace before theoretical capacity emerges and while the City Centre is still adjusting to Eastgate II. On this basis, and having had regard to the limitations of quantitative techniques, I conclude that there is no need for the local plan to identify locations for new general comparison floorspace outwith the City Centre. No party argues that such express provision should be made, although any new convenience store outside the City Centre would sell a proportion of comparison goods. The criteria based policy that I have recommended would provide a sound basis for considering any out-of-(City)-centre proposals that did emerge.

Convenience floorspace

8.170 It would be unrealistic to expect Inverness to continue to expand without affecting the current distribution of foodstores. The HSP acknowledges that some restructuring in food retailing may be required in anticipation of further population changes, and developments such as the SDR.

8.171 Most of the housing expansion that is underway and proposed is around the south-western, southern, and south-eastern periphery of the city, and at Culloden. Food retailing is located primarily in the eastern part of the city, at Inshes, and West Seafield. It would be desirable for the location of new convenience floorspace to reflect planned population distribution.

8.172 The Council and objectors agree that some surplus convenience expenditure will emerge within the local plan period, but differ regarding the order of this, and consequently the scale of provision that should be made. There is also disagreement regarding the turnover of existing stores, the scope for these to take up surplus expenditure, and the scope for expenditure to be devoted to higher value goods.

8.173 Some stores will have higher turnovers than others, due to a range of factors. However, I am not persuaded that turnover in the City overall is likely to be significantly below the national average, particularly when West Seafield and Inshes are taken into account. Whatever CD39 may have done, Appendix 2A of THC-12/10 assumes that a Ness-side store opens between 2003-2006. That said, the scope for additional floorspace finally identified by the Council still seems likely to be cautious. On the other hand, the conclusion in ASDA 1 that there is capacity for a 7,200 sq m gross superstore (including an allowance for comparison goods) is based on a lower expenditure growth rate, but on “surplus” expenditure in Highland as a whole, whereas the HSP expects needs to be met locally. On balance, the most realistic figure probably falls somewhere between. On this basis there is likely to be scope for more additional floorspace than the 2,500 sq m net superstore “threshold” identified in CD39, which is based on more “surplus” expenditure than THC-12/10A.

8.174 In any event, as with the City Centre, the shortcomings of a purely quantitative approach are well documented. Qualitative and locational issues, including accessibility, are also a very important part of the equation. The critical task for the local plan is therefore to put an appropriate policy framework in place so that proposals that could take up this theoretical spare expenditure are assessed against the relevant considerations.

8.175 In this regard, I conclude that, as a matter of principle, new floorspace should be steered in the first instance to District or Neighbourhood Centres; and, in the second instance, to edge-of-centre locations, before free-standing sites. There is also no reason why all the additional floorspace provided should be on a single site. HSP Policy R4 encourages more localised provision of major foodstores, where well-related to existing and proposed housing. The proposed district Centres at Culduthel-Slackbuie, Culloden and Ness-side should therefore be the first options to be considered.

8.176 Policy GP2, which THC regards as a “non-prescriptive template”, is capable of being interpreted as listing the facilities that are expected in each of the Districts and Neighbourhoods in Inverness. However, as Districts vary in size, and in terms of their geographical relationship to other centres, a “one size fits all” package of facilities is unlikely to be appropriate. The scale of development that each District can sustain, and the effect on other centres, will also vary as a result. This can only be determined by a detailed assessment of any specific proposals that are made. As far as the local plan is concerned, a reference in the Facilities column in the Policy G2 table to a “supermarket or superstore” for a District, and consequential adjustments to other related policies would allow a case to be made for a superstore at any District Centre. The outcome on the ground would then stand to be determined in the context of the proposal concerned, based on physical and capacity considerations, and the safeguarding of other District facilities.

8.177 That said, I see no harm in altering the boundaries of the proposed District Centre at Ness-side to better reflect, or to coincide with, land ownerships at this location, provided the Council is satisfied this would be compatible with the route of the SDR, would allow a

satisfactory housing layout on the remainder of the Ness-side site, and that the land identified for the District Centre was capable of accommodating a range and scale of facilities appropriate to its function. However, while Ness-side is well-placed to serve parts of the south of the City, I do not consider that it should have pre-eminence among District Centres. A “first among equals” approach would sit uneasily in the context of the sequential approach and sustainable Districts. Paragraph 2.14 does not refer to a specific site, and would not need to be changed.

8.178 While intended to be sustainable, it would be unrealistic to expect Districts to be functionally self-contained in terms of convenience shopping. In the absence of a clear case for a superstore specifically at Culloden in capacity terms, and taking account of the presence of West Seafield, I am not persuaded that an 8.4 ha allocation, over twice the size of the DDILP proposal, should be made. Any proposal that did come forward would stand to be determined in the basis described at paragraph 8.176. I note that Tesco regards a 4.45 ha site as sufficient for a superstore and for some other community facilities.

8.179 Longman Bay is not only an out-of-(any)-centre location, but is remote from residential areas. Its proximity to a major junction on the main road network makes it highly accessible by car from a wide area outwith Inverness. While public transport links could probably be developed over time, and the local plan sees scope for transport initiatives and park and ride, as support for an expanded stadium and exhibition area, a superstore in this location would still be likely to increase car travel, contrary to established sustainability principles.

8.180 While high value uses could help to realise the Council’s aspirations for this important “gateway” site, as part of an overall package, there is no specific evidence that explains why retailing is the only use that could achieve these aspirations, or could achieve a balance between large and small scale uses. It is also difficult to see how a superstore on each of the City’s main road approaches would be an advantage, when the structure plan stresses ease of access to local facilities.

8.181 I conclude that it would be inappropriate for the local plan to support convenience retailing at Longman Bay while more sequentially preferable locations are available. Paragraph 45 of NPPG 8 states that, where priority is being given to reuse of vacant or derelict land, the development should, in all other respects, provide an appropriate location for the development proposed. That said, I see no reason for the plan to include an express presumption against retailing at Longman Bay. The potential uses listed in Policy 2:7(iv), which are considered further in Chapter 10.2, together with other site-specific objections, would adequately convey the planning authority’s attitude to development at this location.

8.182 As there are no food retailing opportunities available within Inshes retail park, the site promoted by Lidl would accord with the sequential approach in principle, in the context of this particular District Centre. Policy 2:20 promotes the development or consolidation of District Centres.

8.183 However, the objection site is separated from the existing retail area by a distributor road, which is likely to serve as a significant barrier. This road also makes the objection site a logical part of the Inshes housing area, where the Inshes/Milton of Leys Development Brief indicates a range of local community facilities are planned. Although the local plan Inset Proposals Map does not identify the boundaries of the 22 (or 25) ha District Park the Council

intends, the brief does so. It also indicates that the Council has acquired land for this purpose; that the park is intended to form an integral part of what is a significant, primarily residential, proposal; and that section 75 agreements are in place for the provision of the park. The soccer centre site appears to have more than one road frontage.

8.184 A retail allocation of the size sought by Lidl is unlikely to significantly affect the operation of the retail hierarchy in the local plan area one way or another, and NPPG 8 recognises the distinctive characteristics of discount stores. However, it states that, in land use planning terms, these are indistinguishable from most other forms of retailing. Having had regard to the site-specific factors discussed above, and to the retail opportunities available in District and Neighbourhood Centres elsewhere in the City, I conclude that the local plan should not be changed in response to this objection.

Bulky goods floorspace

8.185 The HSP effectively reserves its position regarding further major non-food retail development pending the review that was subsequently published as CD38. The transpositional error" in CD39, which informed policies in the modified plan, resulted in the identification of capacity for an additional 10,000 sq m of floorspace in the period to 2006, whereas the arithmetic conclusion ought to have been 1,350 sq m. This assessment was further reviewed in the course of the inquiry, with the result that THC identified capacity for 3,800 sq m net additional floorspace in the period to 2006, and 14,600 sq m net additional floorspace in the period to 2011. These figures take account of some, but not all, of the recent changes in occupation at Inshes and the IRBP, which have unrestricted Class 1 retail consents, and where general comparison retailers have displaced bulky goods operators. The evidence indicates that further such changes are in prospect. ASDA 1 identifies a smaller surplus to 2006 than the Council, but scope for about 20,000 sq m net in the period to 2011, almost all from the Tertiary Catchment area. KPG does not argue with an earlier, lower, Council figure of 12,500 sq m net.

8.186 Setting bulky goods provision at a level that would allow bulky goods operators to move easily from existing retail parks to alternative premises with lower rental levels would risk accelerating this trend, and could well adversely affect the vitality of the City Centre while it is still adjusting to Eastgate II. Operators are less likely to move out of retail parks if this poses a greater risk of losing representation in a lucrative market than would be the case if cheaper premises were readily available. I conclude, having had regard to all the caveats surrounding quantitative analysis, that the best the plan can do is to provide for the order of 4,000 sq m net and 15,000 sq m net in the periods to 2006 and 2006-2011 respectively.

8.187 As to where this additional floorspace might go, the Rail Yard site is likely to be the only location in the proposed City Centre with potential to accommodate bulky goods floorspace. However, this is unlikely to be available for development at least until well into the local plan period, and certainly after 2006. Even then, it is doubtful whether, when the Cross Rail Link Road is built, it could accommodate the entire 2006-2011 figure.

8.188 However, the requirement to 2006 could be largely met by opportunities available within Inshes, where there appears to be scope for a further 2,500-3,000 sq m. This site, which is the only identified opportunity available within a retail park, would be consistent with Policy R6 of the RSP, and with paragraph 60 of NPPG 8. Thereafter, given the uncertainties surrounding the development of the Rail Yard site, and doubts regarding its

capacity, it would be unwise to rely on it coming forward, and not also to provide other options.

8.189 While Policy R6 does not expressly promote sites adjoining or adjacent to retail parks for bulky goods retailing, I have already concluded that sites at the edge of locations that serve as District Centres ought to have preference over out of centre and/or free-standing sites, as a matter of principle.

8.190 In this regard, no party suggests there is land adjoining the edge of Telford Carse retail park that is suitable for retail warehousing. This site is surrounded by developed land and there are access constraints. At 0.8 ha, the Howdens Garden Centre site is too small for this particular purpose. The District Centres at Ness-side and Culduthel-Slackbuie are unlikely to be large enough to accommodate the amount of bulky goods floorspace identified above, in addition to the range of District facilities appropriate to their function.

8.191 Of the alternative sites suggested, I am satisfied that congestion at the Inshes roundabout is a regular occurrence, and that significant retail expansion here is likely to require works to increase its capacity. However, I am not persuaded that this constraint cannot be overcome, or that upgrading done at a developer's expense, on a "net benefit" or at least a "no net detriment" basis, need impose a greater burden on the public purse at a later date. I conclude that traffic issues should not be regarded as representing an insurmountable obstacle to allocating land at Inshes for bulky goods retailing. THC was content to identify other locations as possible retail opportunities before traffic and access solutions had been identified.

8.192 Arterial roads to the west and north of Inshes prevent expansion in these directions. The land beyond the distributor road to the south is identified for other purposes, for which I have concluded it ought to be retained. As far as the land to the east is concerned, lack of clarity in the City Inset Proposals Maps was the subject of understandable criticism at the inquiry. The location of the settlement boundary is capable of more than one interpretation, and the extent of the Beechwood/A9 Green Wedge is unclear. However, given the "A" notation, the best construction I can place on the Map is that it includes the KPG objection site, which appears to be the only potential opportunity for expansion in this area, within the settlement boundary, and safeguarded from development not associated with the site's purpose and function. The fact that the site is unshaded, indicates that Policy BP1, which supports development in principle, also applies.

8.193 However, this General Policy presumption is subject to site specific factors. Notwithstanding the development that has already taken place and is planned in this area, the objection site would remain part of a swathe of largely undeveloped land along the west side of the A9. This land is clearly visible for a considerable distance on the descent into the City from the south, from where its tapering dimensions northwards draw the eye to this location. The retail park is set back from the road, beyond mature trees. While it is difficult to reconcile the permissions that have been granted for individual new houses with the unequivocal opposition to development in Policy 2:41, these are at least domestic in scale. The large buildings at Beechwood Park to the north approach very close to the road, but are significantly masked by the B9006 overbridge. I conclude that, although detached from the extensive area of open land to the east of the A9, the land immediately to the east of the retail park makes a valuable contribution to the landscape setting of this main approach to the City.

I conclude that it merits safeguarding from significant built development, such as the type of large scale buildings likely to result from a retail warehousing allocation.

8.194 The IRBP could physically expand to the east and south. However, IEL is no longer promoting the former for retailing, having concluded this would be inappropriate. In any event, the eastern edge of the retail park is well defined in landscape terms by planting and ground moulding. The local plan identifies the remaining undeveloped area to the south for business development, and this is not the subject of objection. I recommend, at Chapter 23.9, that adjoining land should be allocated for business use.

8.195 On the basis of my conclusions this far, which take a sequential approach, the sites before me for consideration leave no option but to resort to at least an out-of-centre location. Stratton can fairly be regarded as an out-of-town location as it is out-of-centre, is on a greenfield site, and is not clearly within the current urban boundary. However, NPPG 8 treats all out-of-centre locations, including out-of-town sites, equally from the point of view of the sequential approach. To be selected, any out-of-centre location should satisfy the other considerations in paragraph 45 of NPPG 8.

8.196 Dealing with these in turn, whatever the location chosen, a clear statement in the plan that non-food retail development outwith the City Centre would be restricted to bulky goods would guard against adverse effects on the development plan strategy in support of the City Centre, or other centres, or on their vitality and viability. As I have concluded that there is a quantitative deficiency and no likely prospect this could be met on, or on the edge of, the City Centre or in a District or Neighbourhood Centre, consideration (d) would be satisfied.

8.197 As far as consideration (e) is concerned, most of the out-of-centre locations promoted by the Council or by objectors - the A82/Longman core, Longman Bay (which is not promoted exclusively as a convenience retailing location) and Stratton - are easily accessible by car. Torvean is somewhat less so, and some traffic at least would have to cross the river and/or the canal. IEL's operational traffic evidence was predicated on a wide-ranging comprehensive development, of which retailing would only form part. That all said, like Inshes, there is no evidence that consequences for the road network at any of these locations could not be addressed at a developer's expense (consideration g) although a positive demonstration in most cases is lacking.

8.198 The A82/Longman core is located on a main route to and from the City Centre. The A82 is a public transport route and existing retail uses mean that it is already frequented by the public as a retail location.

8.199 I have already assessed Longman Bay from the point of view of sustainability, and found it to have disadvantages. Torvean, due to its marginal location, and by its separation from many residential areas by the A82, the river, and/or the canal, also has shortcomings in this regard. Stratton is also likely to rely heavily on car use and to have limited potential for linked trips with other retail locations, although some customers might be tempted to use a park and ride facility to access the City Centre. Consideration (f) of paragraph 45 is that a location is, or can be made, easily accessible by public transport.

8.200 As far as consideration (h) is concerned, Longman Bay could physically accommodate the type of large scale retail buildings likely to be required for bulky goods retailing. However, notwithstanding the presence of the football stadium, it deserves uses that

are likely to deliver a high quality built form and scale commensurate with this prominent gateway location. Torvean is currently an attractive green area, which the ICALP identifies for open space/recreation. The DDILP identifies the canal towpath, and the remains of the partly quarried esker in this area as features of a Green Wedge that is of strategic importance to the setting of the City. The former quarry is well-hidden from view, and while the SDR will inevitably change the area, Policy 2:27 commits the Council to the highest standards of design in executing the road. It would be highly unfortunate these aspirations were to be compromised by the erection of retail warehousing, which is, by its nature, utilitarian in form and thus not conducive to the maintenance of the semi-rural character that is important to the setting of this part of the City.

8.201 The Longman/A82 area already contains large retail type buildings. If the core area is carefully defined, to guard against the “domino effect” that could result in the creation of an extended ribbon of retail development to the A9, the type of sporadic and isolated development to which NPPG 8 refers could be avoided. While linkages might not occur from the outset, there is a reasonable prospect these would develop over time.

8.202 Although the Stratton site is currently open agricultural land, this eastern edge of Inverness has been the focus of considerable development over the last decade. THC regards it as appropriate for further development, and the DDILP proposes 18 ha of land on both sides of Barn Church Road for business/industrial use. The boundaries of the Green Wedge should not be regarded as immutable, and the evidence indicates there could be opportunities for improving landscape structure and ecology in association with development.

8.203 Turning to consideration (i), there is no green belt at Inverness. I have already commented on the potential for retail warehousing at Torvean to adversely affect the Policy 2:41 objectives for the setting of this part of the City; on environmental and regeneration implications at Longman Bay, and on Green Wedge objectives at Stratton.

8.204 Retailing in a Longman/A82 core could result in the loss of good quality industrial business sites, but if the core is defined, retailing outwith the defined area controlled, and the remainder of the estate restructured and improved as envisaged in Policy 2:11, this need not be serious.

8.205 It would be regrettable if the proposed business/industry allocations at Stratton were to be lost, particularly at a time of diminishing land supply. However, these allocations, if confirmed, would be carried forward from the adopted plan. They are conditional on the upgrading of the A96 and the Smithton distributor road, which Policy 2:26 states require urgent improvement to provide for development at Stratton, Ashton and at Stoneyfield. The A96 is already at capacity, and the roundabout under construction at the time of the inquiry is designed to accommodate only housing development taking place in the area. Approaches to the SE RNMD have not produced any commitment to road improvements. The fact that the Stratton allocations have never been taken up may be due to development IRBP, which is reaching its latter stages, and I agree with THC that 2 sizeable allocations are unlikely to have been developed simultaneously. However, THC does not challenge IEL’s financial appraisals, which indicate that the prospect of Stratton being developed as envisaged in the local plan is poor. As some replacement land could be provided at Beechwood Farm, the loss of the Stratton (East) business allocation not be fatal to the IEL objection.

8.206 Retail development at Stratton, and development at East Seafield, would generate the type of high land values that could provide a basis for bringing forward other land in this area, including at Ashton, and alternative sites for business/industrial development. However, the Beechwood Farm allocation, as well as providing some business land, has the potential to assist the realisation of the Ashton campus. The “big box” allocation sought by IEL is opportunistic, could trigger a chain of events that would encourage further bulky goods retail moves from unrestricted retail parks, and their replacement by town centre type retailers, and thus off-set the claimed wider advantages of allocation.

8.207 Moreover, although the Master Plan that THC has recently commissioned is considering the area east of Balloch, it would be unrealistic to expect this type of long-term strategic exercise not to have land use implications outwith the study area. When its findings are known, and taken into account, a different land use mix to that promoted by IEL, and thus a different balance of advantage, for any development at this eastern edge of Inverness could emerge. While THC may be obliged to reassess its proposals for the Stratton area in the future, this is need not be the case now, when there is a good prospect that suitable retail provision could be made at other locations.

8.208 Drawing these matters together, I conclude that a defined A82/Longman core would be the most appropriate location for additional bulky goods floorspace. It also has the potential to become edge-of-centre, when the Rail Yard is developed. Torvean may have potential for specialised retailing, related to the canal, possibly as complementary to Muirtown Basin. However, it is a poor location for mainstream bulky goods. Accordingly, the reference to retailing should be deleted from Policy 2:7(iv).

8.209 That all said, it is possible that the Longman/A82 core, as defined, may not have the capacity to accommodate the amount of floorspace that ought to be provided in the period 2006-2011. This is a matter that the Council should assess immediately following definition. If there is not a clear prospect that the Rail Yard will become available prior to 2011, then another site may have to be found. As I do not regard any of the other sites promoted at the inquiry as acceptable at this stage, this is a matter for the Council.

Recommendations

8.210 In the light of my conclusions, I recommend that:

- (1) the Prospects section in Chapter 2 of the plan, and specifically the text in paragraph 2.2 is expanded to explain the basis, aims and objectives, and principles of the plan’s retail strategy; the retail hierarchy that will apply in the City of Inverness, and how this relates to the strategy for the local plan area as a whole; and the plan’s strategy for the city centre. It should also summarise the order and type of additional floorspace for which the plan seeks to provide, and the basis for these figures.
- (2) the City Centre boundary in the DDMILP is accepted.
- (3) the text in Policy 2:1 in the DDMILP is retained, subject to additions along the following lines:

(a) after “purposes” insert “*The City Centre will be regarded as the town centre in Inverness in terms of NPPG 8 and sequential approach, and the Council will seek to direct all new general comparison retail floorspace there in the first instance*”.

(b) after “and vitality.” insert “*Land and sites at Academy Street and Strothers Lane offer opportunities for redevelopment, including retailing, post-2006.*”

(4) Policy 2:39 is deleted and a new policy (7) RETAILING OUTWITH THE CITY CENTRE inserted in its place, worded along the following lines:

“Provision for convenience shopping will be made within District and Neighbourhood Centres, as defined in the Proposals Maps, in accordance with their functions and at a scale commensurate with local needs, and with the retail hierarchy described at paragraph 2.2. District Centres are intended to serve a district function, and will not be regarded as town centres in applying the sequential approach and the provisions of NPPG 8.

The Council also recognises that provision should be made for further growth in bulky goods/warehouse retail floorspace. This will be encouraged where opportunities arise within the established retail parks at Telford-Carse, Inshes and West Seafield.

In the absence of suitable edge-of-centre sites at these locations, the Council has identified additional sites for this purpose at the Rail Yard and within a defined area of the Longman/A82 core (see policies 2:7(v) and 2:11). Any planning permissions granted in these locations will be restricted to bulky goods only.

Proposals for retail development outwith the framework described above will be rigorously assessed against considerations (a)-(k) in paragraph 45 of NPPG 8.

All proposals for retail development over 2,500 sq m gross will require to be the subject of a RIA”.

Reporter’s note: If this recommendation is accepted, subsequent City of Inverness policies will require to be renumbered. However, to avoid confusion, my report retains the policy numbering in the published versions of the plan.

(5) to be consistent with the above policy, the boundaries of District and Neighbourhood Centres should be clearly defined in the relevant inset Proposals Maps.

(6) “supermarket or” is inserted before “superstore” in the Facilities column relating to “District” in the table in Policy GP2; and that consequential adjustments to reflect this are made to the District tables relating to Ness, South, and Culloden. It would also be logical to re-cast the District/Neighbourhood tables to identify service deficiencies in Districts, and in Neighbourhoods.

(7) the proposed modification to Policy 2:7(ii) Torvean, to insert “and retailing”, is not accepted. This phrase should therefore be deleted. To reflect my recommendations regarding the SDR, the other proposed modification, relating to the golf course relocation, should be retained.

(8) the second sentence in Policy 2:7(v) Rail Yard/College is reworded as follows: *Subject to maintaining rail-related freight uses, land should become available post 2006 for office, leisure and service uses, and bulky goods retailing, together with a strong focus for the UHI/Inverness College, which could extend ...*”.

(9) in Policy 2:11 Longman:

(a) the second bullet point is deleted, and the following text substituted:

- *“redevelopment of land adjoining the A82/Harbour Road axes for office/educational/service activities consistent with the adjoining college campus and future regeneration of the Rail Yard; and, within the A82/core area defined on the Proposals Map, retail use, restricted to bulky goods. Consideration will be given to the scope for land assembly where this is required to co-ordinate development in pursuit of the above objectives (see 7(v) above)”.*

(b) the last sentence is deleted and the following substituted *“Outwith the defined A82/core area, retailing proposals other than those ancillary to business/industrial uses will require to be rigorously assessed against considerations (a)-(k) in paragraph 45 of NPPG 8”.*

(c) the relevant Inset Proposals Maps should be changed to reflect these policy changes i.e. the area within the defined A82/core would be excluded from the “I” designation.

(10) the proposed modification to Policy 2:20, to add *“In accordance with NPPG 8 and their functions these are defined as District Centres”* is not accepted.

(11) Policy 2:38 should make clear that it relates to community facilities other than retailing.

(12) the proposed modification to Policy 2:61 is accepted.

(13) the proposed modification to Policy 2:84 is accepted.

9. INVERNESS CITY CENTRE

Objectors: Mr M Burns (30), Crown Community Council* (265), Inverness Chamber of Commerce (54), Ms E Fairclough (74), Lochardil & Drummond Community Council (105), Inverness Civic Trust (206), Mrs A Ramsay (222), Scottish Association for Public Transport (249)

Procedures: Public inquiry* and written submissions

Synopsis of objections

9.1 This Chapter considers objections relating to the City Centre boundary; City Centre regeneration; conservation area designation; other design and built heritage issues; the riverfront; and pedestrianisation, traffic management, and parking relative to the City Centre.

Reporter's note: Objections relating to the city centre boundary and retailing are considered in Chapter 8. Objections relating to the Cross Rail Link Road (including by Inverness Civic Trust, which also refers to pedestrianisation) are considered in Chapter 7.

Factual background

9.2 In addition to matters mentioned earlier in this report, paragraph 2.2 of the DDILP states that renaissance of the City Centre is vital to first impressions and an enduring image of Inverness, and that completion of Eastgate II must be fused with other works to extend the pedestrian priority area, enhance transport gateways, and expose the outstanding urban fabric. Prestigious redevelopment, exceptional architecture, and a Cultural Quarter, are promoted to regenerate the riverfront. Paragraph 2.5 regards a modern transport system also as vital, refers to traffic congestion as significant, and to a 10% reduction target in commuter flows over the next 3 years. It states that, as well as public transport improvements, attractive, accessible car parks must be maintained around the fringes of the city centre; that additional capacity on its western approaches could associate with regeneration schemes; and that larger scale parking at City "entry" points could function as public transport termini and places of orientation for visitors. Paragraph 2.6 credits the Paths around Inverness project with opening up the City's fringes to public access, and expects the city to make the most of its location adjoining the Firths, as the Longman area is transformed into a nature reserve and recreational links.

9.3 The existing and proposed City Centre boundaries for local planning purposes are described in Chapter 8. Land on both sides of the river, from north of Friars Bridge to south of the Ness Islands, is already designated as an outstanding conservation area.

9.4 The local plan lists 6 policies under the heading City Centre: Policy 2:1: Uses, Policy 2:2: Design, Policies 2:3 and 2:4: Refurbishment, Policy 2:5: Circulation - Pedestrian Priority, and Policy 2:6: Revitalisation - Riverfront.

9.5 Policy 2:89 in the DDILP states that THC proposes to designate substantial parts of the Crown area as a conservation area, and that this will be subject to separate statutory procedures and consultation. This policy (renumbered Policy 91 in the DDMILP) was expanded at that stage to explain that a conservation area appraisal would be prepared as a

basis for consultation and that the Council would take account of any further views before proceeding.

9.6 The Millburn District Inset Proposals Map shows buildings and grounds at Hedgefield, part of the Inverness College, to the west of Muirfield Road, subject to Policy BP3, and to Settlement Policies “S” and “H”.

Brief summary of the main points made by objectors

City centre regeneration, conservation area designation, building preservation, restoration and refurbishment, the riverfront, and other built heritage issues

Crown Community Council

9.7 Policy 89 should be implemented expeditiously. It should also state that the wooded escarpment above the south side of Millburn Road will be included in the proposed conservation area. The Crown Road/Crown Drive/Victoria Drive area, and an area between Culduthel Road and Old Edinburgh Road, also merit inclusion.

9.8 The local plan should give greater emphasis to reversing dereliction. As part of this, it should reinforce a commitment to protecting open space. A rush to building denigrates, and fails to respect, open space. The use of better quality materials, and less but better quality street furniture, should be promoted.

9.9 The plan should also give more support to improving the riverfront. This is the only opportunity to create a “central park” for the City, by treating the river margins as open space, and safeguarding the important buildings and spaces that are critical to the city’s heritage and amenity. Instead of being proactive, THC has sold off some of the area’s most important assets, such as the former West Church and the former swimming pool site at Glebe Street. The latter has now been cleared, and a pedestrian/cycle link obstructed by hoarding. The “riverfront” should also be extended to include the east Longman frontage, and a policy established to secure the environmental enhancement of this eastern approach to the city.

Mrs A Ramsay

9.10 The conservation area should be extended to include Muirfield Road and Old Edinburgh Road. The plan should also mention the wooded policies surrounding Hedgefield. The historic and current use of that property merit an Amenity “A” , rather than an “H” designation.

Ms E Fairclough

9.11 The preservation, restoration, and use of historic buildings are essential. The riverfront must remain accessible to citizens and visitors via paths, cycleways, benches etc. Public open space must not be privatised, and the Ness Islands should remain as a public amenity.

Inverness Chamber of Commerce

9.12 The Chamber is concerned regarding the lack of public sector investment in the city centre, and the slow pace at which it is being improved and developed. The shift of retailers out of the centre reflects this lack of investment, and parking and access difficulties. THC should be actively promoting the regeneration of the older parts of the centre, and promoting the proposals in the City Vision, which emphasise the river and developing riverfront areas.

9.13 A balanced population, range of accommodation, choice of job opportunities, core social facilities, and transport links to the City Centre, are essential. A conference venue and all-weather visitor attraction are also vital to the future development of Inverness. The Castle would be excellent for this. THC should make a clear commitment to taking the lead in negotiating the relocation of the Courts. Widening pavements and restricting traffic at Bank Street, possibly with a café quarter, is key to linking the city centre with the river, and should be mentioned. Modifications to Ness Walk, Ardross Street, and Huntly Street will require full consultation with businesses in this area, to ensure access and car parking facilities are maintained. The Paths Around Inverness project should be extended to cover the city centre, particularly the riverside, and provision made for a walk between the Islands and the Kessock Bridge.

Mr K M J Burns

9.14 The plan does not contain details of the former swimming pool site at Glebe Street.

Traffic, traffic management and parking

Inverness Chamber of Commerce

9.15 The City's rapid growth makes a commensurate growth in traffic inevitable, and the plan must allow for this. Car will remain the main mode of transport, especially as new communities are established further from the City Centre. The 10% traffic reduction target represents a very real danger of driving businesses out of the centre to business and retail parks, which generate more traffic. It also fails to recognise that those living outside Inverness need access to the City.

9.16 The plan should state that attractive and accessible car parking must be created around the City Centre and its western approaches, not just "maintained". Small car parks within walking distance of the city centre, not park and ride schemes, are needed. Existing parking is grossly inadequate, is being continuously eroded, and the multi-storey car park is a disgrace. THC seems to be depending on privately provided parking at Eastgate II and at Safeway, which is designed only for these developments, not for general needs. As it failed to insist on 24-hour car parking at Eastgate, the Rose Street car park has to serve as long-stay parking. Adequate long-stay and overnight parking must be provided for rail and bus users, including those wishing to leave their cars overnight. If these issues are not addressed, the city centre will become even more rundown. Inverness must also be established as a "coach-friendly" destination and short-term, longer-term and overnight coach parking provided.

Circulation – Pedestrian Priority (Policy 2:5)

Lochardil & Drummond Community Council

9.17 While this proposal may be acceptable in its final form, Policy 2.5(i) appears ill-conceived. Unless they have convenient parking, shops and businesses furthest from Eastgate will close, leaving the area derelict. Buses, taxis, and delivery vehicles, will presumably still have access to Union Street, Queensgate, and Church Street, but the effects of pedestrianisation on weddings and funerals at city centre churches is unclear.

The Scottish Association for Public Transport

9.18 The Association takes issue with the statements in Policy 2:5 that the extension of the pedestrian priority core of the City Centre will be “*dependent upon resources becoming available*”, and that improvements in Academy Street will be depend upon the Cross Rail Link Road. In the Association’s opinion, a first phase of pedestrian and public transport improvements in Church Street, Union Street, and Queensgate, could proceed without this.

Inverness Civic Trust

9.19 As stated at paragraph 7.5, the Trust agrees that the link road is not necessary for a pedestrian priority scheme in Church Street, Union Street and Queensgate, and for some improvements in Academy Street.

Inverness Chamber of Commerce

9.20 This objector queries what is meant by “*dependent upon resources becoming available*”, as all proposals depend on the availability of resources, and agrees that pedestrian priority in Academy Street should not be wholly dependent on the Cross Rail Link Road. Policy 2:5 states that a design strategy/action plan will underpin investment and phase work over the next 5-10 years. However, previous lack of investment means that more urgent action is required. It is unrealistic to seek private sector funding for these improvements.

Brief summary of the Council’s response to the objections

9.21 The local plan’s policies promote the regeneration and enhancement of the City Centre in the context of national objectives. NPPG 8 encourages planning authorities to work in partnership and agree an overall strategy for town and city centres based on positive action to identify development opportunities, site assembly, better access for public transport, cyclists and pedestrians, and environmental improvements. This strategy is expected to include provision for diversity of use; accessibility; attractive and safe pedestrian environments, and management.

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9.22 As regards criticisms of efforts to reverse dereliction, Eastgate II was completed in 2003, and the adjoining public realm and Falcon Square upgraded. The bus station was refurbished in 2001. The pedestrianised High Street and adjoining vennels are to be refitted and the Rose Street Car Park (which is only 60% used on average) refurbished, in 2004.

Planning permission has been granted or applications made for redevelopment, including the former Highlands and Island Enterprise (HIE) offices at Bridge Street; at Academy Street (incorporating conversion of the former Arnotts store); and the swimming pool site at Glebe Street, which the plan promotes as a key site, and as part of the regeneration initiative for the riverfront.

9.23 The Inverness City Partnership was formed and a Strategic Agenda drawn up after Inverness was awarded City status in 2000. This Agenda is now incorporated into the City-Vision (CD41). The vast majority of the £3.1 m that the SE has committed to Inverness over 3 years from the new City Growth Fund will be devoted to the city centre. The Partnership recognises that the Vision will take a number of years to implement and that many projects can only be developed in the medium to long term. The Growth Fund programme is therefore designed to implement several short term projects and to help kick start some medium term works. Improvements to the city centre public realm, including affordable housing, new voluntary sector offices/resource centre, new UHI offices and the expansion of Eden Court are priorities. Medium term projects include pedestrian priority, improved visitor information, environmental improvements along the riverside, a pilot Business Improvement District scheme, a waste management scheme for the City Centre and the Cross Rail Link Road. A modern transport interchange, a third phase at Eastgate, a new riverside Cultural Quarter, a visitor facility at the castle, an Archive and Genealogy centre, and a new Art Gallery/Museum are long term proposals.

9.24 However, insisting on retaining retailing and business uses throughout the city centre without taking account of the Eastgate retail “hub”, and the synergy enjoyed by High Street concerns locating in modern, floorspace with supporting facilities and parking, would undermine the objective of maximising occupancy, and lead to vacant premises, under-investment, and the deterioration of buildings and the townscape. Efforts in the traditional streets are therefore focussing on removing traffic and pedestrian conflicts, enhancing the public realm, and restoring and re-inhabiting historic buildings. A City Heritage Trust established in partnership with Historic Scotland will release £250,000 each year for the next 3 years in addition to conventional grant structure.

9.25 THC is satisfied that the plan does enough to secure important open spaces in the City Centre. The environmental audit of open space that will be done at an early stage of the Green Wedge initiative will look at the interaction between existing urban open space and Green Wedges. The riverfront close to the City Centre ought to have a more “urban” treatment than more peripheral “greener” sections. The Longman Bay Action Area is not part of the city centre, and also merits a different type of treatment, although links will be provided between the 2 areas. Deciding where the balance of advantage lies for individual sites is a matter of judgement. THC has exchanged missives for the Glebe Street site. Redevelopment will be expected to restore the pedestrian/cycle link, and any development brief would provide for this. The Glenurquhart Road Action Area is better related to existing and proposed areas of public activity, and represents the best opportunity for a park.

9.26 NPPG 18 states that a local plan should outline any proposal for designating or changing the boundary of a conservation area, and that any such designation should be justified as part of a Conservation Area Appraisal/Audit. Consultants have been appointed to carry out the appraisal described in the DDMILP. This will cover the entire City Centre, and address the future of green spaces and features, including the Castle and riverfront. The outcome of this exercise is due to be reported to the City Heritage Trust in June 2004 and, if it

gains its support, then to THC. The appraisal, or a draft designation order, would then form the basis for public consultation. Conservation area status carries a statutory obligation to preserve or enhance the character or appearance of the City's historic core. Paragraph 2.6 and Policy 2.6 of the plan could be modified to strengthen the council's commitment to this.

9.27 The local plan recognises the TPO at Hedgefield as a Policy BP2 feature. Any development proposal within the grounds will be assessed with regard to potential impacts on the proposed conservation area and on the listed building at Hedgefield and its setting, and the tenets of good design.

Traffic and traffic management and parking

9.28 The 10% commuter traffic reduction target is an integral part of the LTS, and the city's aspirations depend on reducing traffic congestion and improving the environment. That said, effective and available parking, improved access, and enhanced public transport, are also essential and the plan also seeks to provide for these. As previously explained, some management measures have already been put in place in Crown and more are intended.

9.29 Diminishing resources make it incumbent on the Council to seek to have parking provided in association with development proposals. The Council has agreed to modify paragraph 2.4 as proposed by the Chamber of Commerce. It has also agreed to modify paragraph 2.5, to state that "There should be attractive, accessible car parks"; to add Bank Street to the locations for environmental enhancement, under Policy 2.5; to include South Kessock in locations for improvement; and to refer to access to existing uses and possible alternatives to on-street parking, in Policy 2.6. The possible projects/initiatives listed in this policy include facilities for coaches.

Circulation – Pedestrian Priority (Policy 2:5)

9.30 The Council does not agree that a vibrant and viable City Centre depends upon car access into its streets. However, effective and available parking, improved access, and enhanced public transport, are essential. The plan therefore seeks to provide for appropriate facilities. The reference to resources in Policy 2:5 indicates that the works concerned are linked to wider projects. The 5-10 year timescale indicates that the regeneration of the city centre will require partner initiatives beyond the initial years of the plan. Details of pedestrian priority proposals remain to be fully agreed, and the Council accepts that access for public transport, servicing, emergency users, and other special circumstances, including church users, and disabled patrons, will be required. It has already explained that overall environmental benefits in Academy Street require substantial diversion of traffic.

Conclusions

City centre regeneration, conservation area designation, building preservation, restoration and refurbishment, the riverfront, and other built heritage issues

9.31 As PAN 49 recognises, local plans deal with a broad range of policy issues and serve a number of functions, and there is sometimes a limit to how far such statutory documents can go in providing specific guidance or encouraging local investment and action. It also recognises that development briefs and design guidance can provide a useful follow-up, and can be very effective in promoting specific opportunities for development or highlighting the

standards expected. As the PAN also advocates plans that are realistic, local plan policies should, in addition, take account of the resources available to support new development, so as to avoid raising expectations that are unlikely to be met.

9.32 All city centres change over time, in response to changes in circumstances. NPPG 8 states that local plans should assess the performance of individual centres and, as part of a strategy, indicate their potential for change, improvement or stability. It also expects plans to include related policies for transport, car parking, and improving environmental quality, retail and commercial leisure developments, and to specify design criteria and standards against which proposals will be judged. I have already recommended, in Chapter 8, that the plan should expand on its strategy for the City Centre, and changes to Policy 2:1, to strengthen support for the Centre as a retail location.

9.33 Policies 2:2-2:6 promote a range of initiatives intended to assist the regeneration of the City Centre, including design guidance, reuse and refurbishment of buildings and of public transport infrastructure, pedestrianisation and associated streetscape improvements, and the revitalisation of the riverfront. These initiatives take account of changes that have already occurred and against a considered assessment of the City Centre's prospects, summarised at paragraphs 2.1-2.5. As the initial spending programme that is in place relates only to some elements covered by this policy framework, the qualification regarding availability of resources is consistent with national policy. The Action Plan proposed in Policy 2:6 includes the possible implementation of a project for a new use for the Castle. As this is also among the matters being considered in the conservation area appraisal, it would be premature for the plan to be more specific at this stage.

9.34 The local plan rightly recognises the River Ness as the City's greatest natural asset. Enhancements to public access are intended. THC proposes to modify paragraph 2.6 to acknowledge the role of the Paths Around Inverness Project in improving links across the urban area as a whole.

9.35 The character of the riverfront through the City changes significantly along its length. At its southern end, it is semi-rural and suburban, before reaching the Victorian features and mature planting of the Ness Islands, and then becoming more formal and urban closer to the City Centre, particularly in the vicinity of the main road bridge crossings. It assumes a mainly industrial character around the Harbour, before taking on a maritime ambience on reaching the Moray Firth and Longman Bay. It is appropriate for the plan to reflect these changes in character. In this overall context, there is no reason to rule out new built development on the Glebe Street site in principle. However, a very high quality design treatment, commensurate with its prominent and prestigious location, is essential. Policy 2:6 ought to acknowledge this, and state that a Design Brief will be required. Reinstatement of a pedestrian/cycle route through the site could be included in the Brief.

9.36 NPPG 18 indicates that a local plan should outline any proposal for designating or changing the boundary of a conservation area, and that any such designation should be justified as part of a Conservation Area Appraisal/Audit. Formal designation involves statutory procedures separate from the local plan. The local plan ought not to pre-empt these procedures, or the appraisal that THC states is currently underway.

9.37 As the local plan identifies a TPO as a Policy BP3 feature (which is consistent with the Inset Proposals Map) THC's response regarding Hedgefield is presumably a typographical

error. As Policy BP3 presumes against development, particularly where there would be significant damage to heritage, amenity or public health, it affords this site significant protection. The statutory provisions relating to the preservation of listed buildings and their settings also apply. An Amenity designation would not add usefully to this. It would also be undesirable to safeguard the function and purpose of the premises at a time when the college is considering the future of its property portfolio (see Chapter 10.1). Whether the surrounding area is designated a conservation area ought to await the outcome of the current appraisal.

Traffic, traffic management and parking

9.38 NPPG 8 recognises that access to town centres is important in order to maintain their competitiveness, but that heavy demand for access by car can create congestion, pollution, and parking problems that makes centres less attractive. To counter this, it expects local authorities to develop a comprehensive traffic management strategy, with parking policies that give priority to good quality, well located, short-stay parking, reduce the level of long-term parking, meet the needs of disabled people, and improve access and safety for cyclists and pedestrians. NPPG 17 takes a similar approach.

9.39 Paragraph 2.5 of the deposit draft plan acknowledges the need for attractive, accessible car parking around the fringes of the City Centre, and identifies future regeneration schemes as a possible means of increasing capacity on its western approaches, which are poorly served in this respect at present. The 10% reduction target applies to commuter traffic, and derives from the LTS. This traffic is likely to demand long stay parking, which national policy seeks to discourage as a general rule. The published modifications, reported at paragraph 9:29 seek in the main to address omissions identified by objectors.

9.40 The evidence indicates that the Crown area already suffers from rat-running by unnecessary through traffic. The plan identifies traffic management as a means of Environmental Action and some measures have already been put in place. THC agrees that further measures are essential before the Cross Rail Link Road is opened, and I have already recommended that Policy 2:28 should refer to this.

Circulation – Pedestrian Priority (Policy 2.5)

9.41 Details of this scheme have yet to be formulated. However, in principle it is consistent with national policy. I have no evidence that arrangements that would allow access for those who required this are likely to be impractical.

9.42 Policy 2:5 does not rule out a pedestrian scheme, other than Academy Street, proceeding in advance of the Cross Rail Link Road. As Academy Street is a main artery, any interim scheme, in advance of the link road is likely to be constrained. On balance, I conclude that it is preferable for the policy to indicate that a scheme there will depend on completion of the link road.

9.43 Policy 2:5 signals an intention to seek funding from the private sector, among other sources. In the absence of specific evidence that town centre businesses are opposed to contributing, there is no reason to assume some funding will not be forthcoming, particularly as a partnership approach has been adopted.

9.44 In the context of national policy which promotes sustainable development, I conclude that the local plan strikes a suitable balance in the treatment and accommodation of different transport modes in the City Centre.

9.45 Subject to the further modifications recommended below, I conclude that the local plan would provide a sound basis for promoting and encouraging the regeneration of the city centre.

Recommendations

9.46 In respect of the objections considered in this chapter, I recommend:

- (1) that paragraph 2.2 is amended to refer to the statutory duty to pay special attention to preserving or enhancing character or appearance in considering development proposals within the existing outstanding conservation area; and to state that this will also apply to any additional area(s) designated under policy 89/91.
- (2) that the published proposed modifications to paragraphs 2.3-2.6, and to Policies 2:2, 2:5 and 2:6 in the DDMILP are accepted.
- (3) that Policy 2:6 is further amended to refer to the prominence of the former swimming pool site at Glebe Street, and to state that a Design Brief will be required.
- (4) that the plan is updated as necessary to take account of the formation of a City Heritage Trust, the Historic Scotland funding package reported at paragraph 9.24, and the position regarding the Conservation Area Appraisal.

10.1 GLENURQUHART ROAD AND RAIL YARD/COLLEGE ACTION AREAS

Objector: Inverness College (148)
Procedure: Written submissions

Brief summary of the objection

10.1.1 The College is considering options for relocation. The local plan should not constrain these options.

Factual background

10.1.2 Inverness College occupies buildings fronting the west side of Longman Road, just south of Harbour Road. Of the policies with a bearing on its objection, Policy 2:7 of the DDILP (some aspects of which are considered earlier in this report) promotes 7 Action Areas, (i)-(vii), for major development/redevelopment. This policy states that, in these areas, *“Development Briefs/Master Plans will be prepared to specify appropriate functions and uses, infrastructure and services, transport and environmental matters; and provide a basis for land assembly, marketing and design requirements”*. The 7 sites comprise: (i) Glenurquhart Road (comprising THC Headquarters, the Eden Court Theatre, and the Northern meeting Park at the Bught); (ii) Torvean; (iii) Muirtown Basin; (iv) Longman Bay; (v) Rail Yard/College (7 ha north of the City Centre and Cross Rail Link towards the College/Longman “hub”); (vi) Craig Dunain; and (vii) Ashton.

10.1.3 Policy 2:7(i) describes the Glenurquhart Road Action Area as a *“prime employment/public activity area”* that, subject to THC office location:

“could be redeveloped for “major cultural, leisure and heritage campus/edge-of-centre uses, with potential for an extended arts/theatre complex, conference hotel and residential/other community activities. Redevelopment consistent with the Outstanding Conservation Area should incorporate conversion of listed buildings, wider use of the Northern Meeting Park as an urban park, parking including for City Centre users, and enhancement of Ness Walk”.

10.1.4 Policy 2:7(v) states in respect of the Rail Yard/College site that, *“subject to maintaining rail-related freight uses, land should become available for prestigious office, leisure and service uses together with a stronger focus for the UHI/Inverness College which could extend its established campus with faculty buildings/residential halls. Good pedestrian/cycle links are vital to interaction with the Centre. Reservation for access from Harbour Road could be beneficial”*.

10.1.5 Policy 2:11 is also considered elsewhere in this report, in Chapters 8 and 13. The restructuring principle relevant to the College’s objection is:

- *“redevelopment of land adjoining the A82/Harbour Road axes for prestigious uses. The intersection of these routes could provide a “hub” of high intensity*

mixed office/educational/service activities consistent with the adjoining College Campus and future regeneration of the Rail Yard (see 7(v) above)".

Brief summary of the main points raised by the objector

10.1.6 Commenting on the DDILP, the College stated it was considering 2 options for the relocation of the Longman campus – redeveloping the Longman site, behind the existing College buildings; or selling the Longman site and relocating adjacent to Eden Court and the THC offices at Glenurquhart Road. It wished these options to be formally included “in the current consultation exercise”.

10.1.7 In response, the Council proposed a “modification” to add to the Policy 2:11 bullet point quoted overleaf “*Consideration will be given to the scope for land assembly where this is required to co-ordinate development in pursuit of the above objectives*”.

10.1.8 The College welcomed the proposed modification as assisting the Longman option, if this was chosen, stating that it expected to have completed an Estates and Development Strategy early in 2004. However, it wished Policy 2:7(i) also to be amended to include educational use, to leave open the option of relocating to Glenurquhart Road. It also considered that the plan should:

- refer to Scottish Ministers’ intention to develop the UHI Millenium Institute into a new university within the life of the plan, and recognise the key role that the College would play in this.
- refer to the College’s options appraisal, and recognise that all or part of its estate might become available for redevelopment during the plan period, and that the College would be expected to realise the best open market value;
- recognise that the College wished to work with THC and its other partners in delivering its Strategy; that the College would prepare a development brief in conjunction with the Council for any surplus sites; and that the Council would support proposals that accorded with the brief.

Brief summary of the Council’s response to the objection

10.1.9 Paragraph 1.23 of the local plan covers the first of the 3 points summarised above. The plan also addresses partnership working, and development briefs. THC is nevertheless prepared to add to Policy 7(v): “*The College is currently preparing an options appraisal which will guide its development and Estates strategy. The potential or redevelopment/reuse of any surplus property arising in this context may also be addressed in a development brief*”. The College had been advised of this proposal, but had not responded.

10.1.10 There are major regeneration sites could accommodate the College’s aspirations, such as Craig Dunain and Ashton, although the plan promotes these primarily for other uses. However, the City Vision identifies the Glenurquhart Road site for an Arts/Cultural Quarter, and as one of several hugely significant projects likely to be triggered by the Year of Highland Culture 2007. A sum of £100,000 has been allocated from the City Growth Fund for feasibility and design studies. The same amount again is earmarked for the period to 2006. While some College use and affiliations are possible on the site, it is not large enough for a major campus and for the evolving cultural package. THC also has a major interest in the site as landowner. The preference for cultural use in no sense diminishes the value of the

College/UHI to the City, which is also recognised in the City-Vision, and funding has been secured for a UHI Executive Office close to the Policy 2:7(i) site.

Conclusions

10.1.11 Paragraph 1.23 of the plan states that Inverness College has the potential, as part of the new UHI, to play a central role in cementing strong links with business, including faculty specialisation, research and the development of intellectual spin-offs. I conclude that this gives due recognition to the College's role in the development of the UHI.

10.1.12 In view of the above, and the College's portfolio of properties across the City, it would be appropriate for the plan to refer to the options appraisal, as sites could well become available for redevelopment during the plan period. In some cases, a development brief could also be appropriate. The further changes to the plan proposed by the Council would recognise all of this. However, the College is unlikely to be alone in being expected to realise best open market value for its property. In any event, it would be unwise for the local plan to imply that this factor could determine land use decisions.

10.1.13 The College did not place any material regarding the outcome of its Estates appraisal before the inquiry. It would therefore be premature at the least to include educational use in the policy for the Glenurquhart Road site, where THC and others have embarked on preliminary work for the package of uses described in the policy as it stands. While this need not rule out some educational representation, the site seems unlikely to be large enough for a major campus and for the evolving cultural package. The Glenurquhart Road area is already established as a place of cultural resort, in a fine and very accessible riverside location. An Arts/Cultural Quarter is understandably perceived as a significant project likely to be triggered by the Year of Highland Culture 2007.

Recommendation

10.1.14 I recommend that, in response to this objection, the changes to Policy 7(v) and Policy 11 proposed by the Council (described at paragraphs 10.1.7 and 10.1.9) are accepted.

10.2 LONGMAN BAY ACTION AREA

Objectors: Inverness Chamber of Commerce (54), Mr G Tuley (263), ASDA Stores plc (106), Inverness Caledonian Thistle Properties Ltd (123), Safeway Stores plc (73), Ms E Fairclough (74)

Procedure: Written submissions

Synopsis of objections

10.2.1 The Chamber of Commerce seeks assurances regarding the quality and form of development expected at Longman Bay, while Mr Tuley objects that this should be a recreational area. Safeway Stores plc wishes retailing to be ruled out. ASDA and ICTP, on the other hand, object that the local plan should allow high value uses, such as retailing, to address deficiencies in provision in the local plan area, and help realise the type of proposal envisaged in the local plan. ASDA also wishes the stadium to be designated as a Policy BP2 feature. Ms Fairclough seeks a recycling facility at the former Longman landfill site.

Reporter's note: All the objections relating to this location are listed above, for completeness. However, the Safeway Stores objection, and aspects of the ASDA Stores and ICTP objections, are considered in Chapter 8: Retailing Policies and Proposals. Ms Fairclough's objection is considered in Chapter 4.6, which relates to waste management and disposal.

Factual background

10.2.2 Longman Bay, on the south shore of the Moray Firth to the east of the A9 Kessock Bridge crossing, is the fourth of the Action Areas that Policy 2:7 of the local plan promotes for major development/redevelopment, with Development Briefs/Master Plans prepared for the purposes described in paragraph 10.1 3 *ibid*. Policy 2:7(iv) in the DDILP is quoted earlier in this report, at paragraph 8.24, and the changes proposed in the DDMILP at paragraph 8.34.

10.2.3 Policy 2:11, as previously stated, relates to the promotion and restructuring of the Longman Industrial Estate, consistent with principles that include:

- *reservation of distributor access to the seaboard/A96 beneath the A9 and a link to the Rail Yard.*

10.2.4 Policy 2:25 recommends to the SE that it investigates and prepares an Action Plan to address deficiencies in the trunk road network, including the A9(T) between Beechwood/Raigmore and Longman/North Kessock; and the A96(T) between the Smithton Distributor Road and Raigmore interchange, including reservation for access to Harbour Road.

10.2.5 Policy 2:41(vi) describes the Longman/A96 Green Wedge as:

“LONGMAN/A96: embracing the municipal landfill area together with agricultural units adjacent to the eastern approaches and through to Culloden.

This is an opportunity to capitalise on the City's seafront with a major links/country park/nature reserve overlooking the Natura 2000 habitats. Utility corridors are protected. These areas could embrace key features of the lowland landscapes of the Inner Moray Firth and a championship Golf Course; together with the elevated pastoral/afforested lands south of Culloden”.

It is one of 6 major Green Wedges, described as of strategic importance to the setting of the City, which is to be safeguarded and opened to public access.

Brief summary of the main points raised by the objectors

10.2.6 The main points raised by ASDA and by ICTP Ltd, summarised at paragraphs 8.74-8.86, are referred to for their terms, and adopted for the purposes of this Chapter.

Mr G Tuley

10.2.7 Longman Bay east of the A9 should be a recreational area, and retailing and residential use excluded. These uses would conflict with paragraph 2.6 of the plan, which refers to the transformation of the area to a nature reserve and recreation links, and with Policy 2:41(vi), which promotes it as a Green Wedge.

Inverness Chamber of Commerce

10.2.8 Inappropriate uses for this high amenity and visible area must be avoided. High quality design is essential. The business community and the Chamber of Commerce should be fully consulted on the Development Brief/Master Plan.

Brief summary of the Council's response to the objections

10.2.9 The summary of the Council's response to objections at this location, at paragraphs 8.138-8.139, is referred to for its terms and carried forward for the purposes of this Chapter. In response to objections 54 and 263, the Council states that it shares the Chamber of Commerce's objectives; and that the bulk of the reclaimed area is reserved for open space amenity use.

Conclusions

10.2.10 I adopt my conclusions, from Chapter 8, that the local plan should not identify Longman Bay as a retail location.

10.2.11 As far as Mr Tuley's objection is concerned, it would be a missed opportunity if the local plan did not seek to realise, and capitalise on, the development potential of this high profile, part brownfield, area, and its “gateway” location. However, a balance ought to be struck. It is important that the types of development for which the site is promoted are selected to use the area's attributes to best advantage, while also respecting its character, recreational potential, and nature conservation interest. It is also important that these uses reflect the high costs that are likely to be involved, particularly if it transpires that a grade-separated junction is required, so that the development mix that is promoted has a reasonable prospect of being achieved. Policy 2:7(iv) promotes a range of relatively high value uses,

including business, residential, and commercial leisure uses, some with a maritime theme, befitting this coastal location. ASDA and ICTP do not argue that these uses are intrinsically inappropriate. While the final development mix may be adjusted in the context of the Development Brief/Master Plan, these provide a good basis for achieving the first of the objectives identified above.

10.2.12 As far as recreation and open space are concerned, paragraph 2.6 of the plan is misleading, as the description “*the Longman Area between the A9 and the sea*” includes the 23 ha that Policy 2:7(iv) promotes for high density mixed development. The City of Inverness West Inset Proposals Map does not help, as it shows Policy 2:7(iv) applying outwith the 23 ha Action Area. It also omits Policy 2:41(vi) notations from land that is intended to be in a Green Wedge, although this is shown with an Amenity “A” designation. That said, it can be deduced that less than half of what is an extensive area on the seaward side of the A9 is proposed as a high density urban village, with safeguards for the Natura 2000 sites, leaving the remainder as a safeguarded Green Wedge. I conclude that this provides scope for a suitable balance between development and recreational and nature conservation interests.

10.2.13 As far as the other matters that are the subject of objection by ASDA Stores are concerned:

(i) the local plan identifies recreation areas/playing fields as Policy BP3 features, and thus subject to a presumption against development. ASDA does not argue that such features do not merit this level of protection in principle, but that lesser protection should be afforded here, in order to facilitate redevelopment. Having had regard to my previous conclusions, I consider that, as far as the local plan is concerned, any scope for relocation and/or replacement of the stadium playing field ought to be determined in the context of the comprehensive Development Brief/Master Plan envisaged in Policy 2:7(iv). I therefore conclude this ought to be identified, at least for the time being, as a Policy BP3 feature. However, as the Council agrees, there is no reason for the car parks to be subject to a presumption against development.

(ii) a Development Brief/Master Plan is a more appropriate context than a local plan for identifying a remediation strategy, which is likely to require detailed technical assessment. PAN 49 recognises that documents such as Development Briefs can be effective in promoting specific opportunities, or highlighting expected standards. Policy 2:7(iv) promotes a range of potential uses. A 23 ha site is large enough to provide scope for flexibility, including in terms of the development mix, and the location of individual uses.

(iii) Policy 2:30 indicates that park and ride facilities at Longman Bay may involve shared use of infrastructure associated with major developments. This adequately conveys the notion of linkage.

(iv) it is clear from the Council’s submissions, although not from the Proposals Map, that Policy 2:11 is not intended to extend east of the A9. This lack of clarity should be remedied. On my reading, none of the land within the loop road is subject to an “A” designation.

10.2.14 The Chamber of Commerce does not oppose Policy 2:7(iv) in principle. I conclude that Policy GP1, in combination with the Development Brief/Master Plan which is to be prepared in consultation with the public, would provide a suitable framework for insisting on

a quality design on this prominent site. I see no need to single out the Chamber of Commerce for special mention as a consultee.

Recommendation

10.2.15 I recommend that the City of Inverness West Inset Proposals Map is amended to exclude the car parks at the Inverness Caledonian stadium from Policy BP3; and to assign the Policy 7(iv) and Policy 41(iv) notations correctly

10.3 CRAIG DUNAIN ACTION AREA AND CHARLESTON EXPANSION AREA

Objectors: Robertson Residential (107), Inverness West Community Council (111), Mr B Keddie and Ms C Hearn (113), Mr P MacDonald (164), Mr & Mrs MacQueen (188), Mr & Mrs Patterson & family (216), Muirtown Community Council (224) the Rudkin family (236), Scottish Water (240)

Procedure: Written submissions

Synopsis of objections

10.3.1 Robertson Residential, which wishes to develop at Craig Dunain and within the Charleston Expansion area (also described as Westercraigs), seeks changes to the local plan that it considers would facilitate development. The other objectors wish development to the west of the canal to be restricted, pending the preparation of an overall strategy, and/or until suitable access arrangements are provided, including a new canal crossing as part of Phase V of the SDR.

Factual background

10.3.2 Craig Dunain is a former psychiatric hospital at the south-western edge of Inverness. Craig Phadrig hospital, to the north, on the east side of Leachkin Road, has been redeveloped as New Craigs Hospital. The adopted local plan allocates 50 ha at Charleston, as an Expansion Area, for 600 houses and community facilities, for development post-2000. It also proposes a development brief for Craig Dunain, listing education, hotel, office, housing and leisure as possible uses, and notes that the lower part of the Craig Phadrig site is to be declared surplus to requirements. The Craig Dunain Development Brief (THC-10/3) was published in 1998.

10.3.3 Policy 2:7(vi) in the DDILP states:

“Craig Dunain (80 ha) the former hospital, a magnificent 19C listed building set in mature “parkland”. Hotel, educational, business/office and residential use or an appropriate mix of such activities is promoted, subject to section 75 Agreement to secure rehabilitation/re-occupation of the main buildings, upgrading of access and other services, and a long term landscape plan. Upgrading of Leachkin Road and other distributor roads as set out in the approved development brief, could be supplemented by public transport, cycle and pedestrian links. Developer requirements will include relocation of any displaced recreation facilities”.

10.3.4 Charleston is one of 5 Expansion Areas allocated under Policy 2:36 for the completion or development of mixed use/residential neighbourhoods. The terms of this policy that apply to all the Expansion Areas are quoted at paragraph 4.3.3 *ibid*. In relation to Charleston, Policy 2:36 in the DDILP states:

(v) CHARLESTON: 55.0 ha. of land dependent on Phase V of the Southern Distributor Road (route C or D) for which developer contributions will be expected. Development

will incorporate a distributor road linking General Booth Road and Leachkin Road, mains utility and other services extended across the Caledonian Canal and water storage facilities. Development will proceed substantially from the east with any limited early phase housing to Leachkin Road subject to Traffic Assessment, any requirement to upgrade the off-site road network, and without prejudice to Craig Dunain, see (7(vi) above)

Further to the major land allocations above, the Council will expect residual land comprising part of any identified “Green Wedge” to be committed by Section 75 Agreement if necessary, for public use and management in accordance with (42) below.”

The lower part of the Craig Phadrig site is included in the Charleston Expansion Area.

10.3.5 The City of Inverness West Inset Proposals Map indicates that land to the north-west and north of Craig Dunain is part of the Leachkin/Craig Phadrig Green Wedge, described in Policy 2:41(i), although the boundaries of the wedge are not obvious. The Inset Proposals Map also includes land to the west and south of the Charleston Expansion Area in the Torvean/Muirtown Green Wedge, which is the subject of Policy 2:41(ii), although the extent of this wedge is also not clear from the Map.

10.3.6 As explained at paragraph 6.10, the proposed modifications to Policy 2:36(v), in the DDMILP, include the insertion after “*dependent on*” of the words “*completion of*” and, after “*Phase V*”, the addition of “*(including a canal crossing)*”. The Westercraigs application which is the subject of the THC resolution to grant planning permission (see paragraph 6.12) includes 140 houses on the lower, “brownfield” part of the Craig Phadrig site.

Brief summary of the main points raised by objectors

Robertson Residential

10.3.7 The following main points are raised:

- the statement on page 5 of the DDILP that Craig Dunain will be “*restored as the centrepiece of a new ‘media’ campus involving major links with UHI*” is misleading, as this is very unlikely to happen. The same applies to references to Craig Dunain at paragraphs 1.44(d) and 2.3.
- circumstances at Craig Dunain may require a more flexible approach than described at paragraph 1.44(b), which states that land above 125 m or more than 4 km from the city centre should not be intensively developed.
- paragraph 2.3 should explain how or when the major infrastructure upgrading stated to be required will be done.
- as far as paragraph 2.7 is concerned, the objector questions the requirement to upgrade General Booth/King Brude Road; and states that THC has accepted the possibility that some buildings at Craig Dunain could be demolished.
- the uses promoted in Policy 2:7(vi) should be reconsidered in the light of major business allocations in the city and at the Airport. A revised proposal which restores the main listed building, and provides 450-500 houses and leisure facilities would be more appropriate. The plan should countenance new housing to kickstart funding for essential infrastructure and establish activity on site in advance of building restoration.

- Policy 2:36(v) should not make development at Charleston dependent on Phase V of the SDR. The Westercraigs TA shows that development of the objector's land does not require a management agreement with BWS regarding the operation of the Tomnahurich Bridge or completion of Phase V of the SDR in order to be acceptable in traffic terms. The reference to development proceeding substantially from the east is not understood. The Craig Phadrig "residual" land could be developed at an early stage. It should be recognised as contributing to the 5 year effective land supply, and excluded from the "E" Expansion designation. The policy already refers to "any limited early phase housing to Leachkin Road".
- while no longer objecting to the boundaries of Green Wedges and Amenity land in this area, confirmation that the relocation of Torvean Golf Course will not affect the Policy 2:36(v) Expansion Area is still sought.

Inverness West Community Council:

10.3.8 The reference to an improved canal crossing prior to major development at Charleston contained in the adopted local plan should be strengthened.

Mr B Keddie and Ms C Hearn

10.3.9 Robertson's plans and those by MacRae (at Leachkin Brae - see Chapter 23.2) are interlinked. Unallocated space should not be eroded piece by piece. There should be no further zoning or building to the west of the canal in advance of a coherent overall strategy.

Mr P Macdonald

10.3.10 Large scale development at Craig Dunain would spoil the beauty of the area. This location also lacks infrastructure, and cannot accommodate access for emergency vehicles.

Mr & Mrs MacQueen and Mr & Mrs Patterson & family

10.3.11 Over 1,000 new houses to the west of the canal will overload the local road network, particularly Leachkin Road, and place undue pressure on local services and facilities.

Muirtown Community Council

10.3.12 Development at Craig Dunain highlights the need for an additional canal crossing. Any major development would also have a considerable impact on the local road network. Any improvements to the network should not be to the detriment of existing residents.

The Rudkin family

10.3.13 This objection, while focussing on development proposed by MacRae Homes, also states that these developments taken together would make the area dangerous and dirty, and that Inverness must maintain control over its green areas.

10.3.14 The local plan should make clear that improved water supply to Craig Dunain and Charleston is an infrastructure restraint (sic). Major development in these areas is dependent on an overall plan to improve the water supply.

Brief summary of the Council's response to the objections

10.3.15 The Council understands that its resolution to grant planning permission at Craig Dunain/Craig Phadrig has resolved some of Robertson's objections. The references listed in the first bullet point in paragraph 10.3.7 are not specific to Craig Dunain, and are intended to convey the promotion of high profile activities on high profile sites. The Craig Dunain Development Brief promotes a residential option, and it is consistent with policy that this should enable restoration of the listed building. The avoidance of intensive development above 125 m and more than 4 km from the city centre seeks to protect the city's setting, and sits comfortably with the development brief. The proposed modifications include inserting "*namely post-2001 water, drainage, and distributor road systems*" after "*and utility networks*" to paragraph 2.3 of the plan.

10.3.16 The Council has also agreed to modify the plan in response to Scottish Water's objection by inserting "*including integrated water supply improvements*" after "*other services*" in Policy 2:7(vi); and deleting "water storage facilities" from Policy 2:36(v) and substituting "*integrated water supply improvements including additional storage*".

10.3.17 Craig Phadrig is part of the Charleston Expansion Area. Policy 2:36(v) in the DDILP makes clear that development in this area is predicated on prior completion of Phase V of the SDR, and the DDMILP strengthens these requirements. The reference to development proceeding "*substantially from the east*" reflects limitations in the capacity of the Leachkin Road network, although limited development could proceed ahead of the new General Booth Road/Leachkin Road distributor road. The Council does not accept the overall conclusions of the Westercraigs TA (see paragraph 6.40). However, it has agreed that up to 420 of the houses proposed at Westercraigs could be occupied prior to the construction of Phase V of the SDR, and the local plan should be amended to reflect this. Robertson Residential has accepted the principle of developer contributions towards the cost of Phase V.

10.3.18 Concerns about the unplanned and excessive nature of development west of the canal are clearly heartfelt. Opposition to development at Charleston prior to the completion of Phase V is based on a belief that the findings of the 1993 local plan inquiry, when the Reporter concluded that no major development could commence here until a new canal bridge was built, remain relevant. The only material changes in circumstances since 1993 are an increase in traffic flows and an increase in the effective housing land supply elsewhere in Inverness. THC's intention to grant planning permission at Craig Dunain/Craig Phadrig is a change, but a "neutral" one, as the road improvements proposed by the developer will not create additional road capacity. Considered overall, THC considers it has achieved a reasonable balance in terms of the permission it intends to grant for Craig Dunain/Craig Phadrig, and the current plan wording, and that this would allow a scale and rate of development at Charleston compatible with servicing, landscape and other capacities.

Conclusions

10.3.19 I adopt the account of the factual background at paragraphs 10.3.2-10.3.6 above, together with my conclusions at paragraphs 6.51-6.78 regarding Phase V of the SDR.

10.3.20 As far as the remaining Robertson Residential objections listed at paragraph 10.3.7 are concerned:

- as matters now stand, Craig Dunain seems unlikely to become the centrepiece of a new “media campus”. To avoid giving a misleading impression, the reference on page 5 of the DDILP to which the objector takes exception should be deleted.
- paragraphs 1.44(d) and 2.3 mention Craig Dunain in the context of general statements regarding Action Areas, and their potential to assist regeneration, through redevelopment for a range of purposes. These are not assigned to specific sites and need not be changed.
- Craig Dunain is within 4 km of the city centre. Avoiding intensive development above the 125 m contour, as a matter of policy, is likely to help safeguard the setting of Inverness. I find no reason to depart from this principle at a prominent location such as Craig Dunain. In any event, the development brief suggests potential for significant development below this level.
- the proposed modifications reported at paragraphs 10.3.15-10.3.16 clarify infrastructure requirements sufficiently for local plan purposes. They also address the issue raised by Scottish Water.
- paragraph 2.7 of the DDILP does not ascribe the need to improve General Booth Road/King Brude Road to any particular development, but to the lifting of “bottlenecks” at the canal crossings. It would be surprising if the latter did not result in some redistribution of traffic, with consequences for this distributor road. In the absence of any clear evidence to the contrary, it would be prudent for this reference to remain.
- the Craig Dunain Development Brief and the Westercraigs resolution countenance the demolition of some listed buildings at Craig Dunain. To reflect this, paragraph 2.7 should refer to the protection of the most significant listed buildings.
- Policy 2:7(vi) promotes residential use at Craig Dunain as a possible option. Notwithstanding the business/office allocations proposed elsewhere in the area, a range of sites is desirable, to provide for different requirements. There is no reason why housing and office development need be mutually exclusive. A site at Craig Dunain could be attractive to a discerning user seeking a prestigious office location. The local plan ought to acknowledge this opportunity.
- the reference to “limited early phase housing” in Policy 2:36(v) appears to be intended to allow some development in advance of the new General Booth Road/Leachkin Road distributor road. As far as the dependency of development in this area on completion of Phase V of the SDR is concerned, the Council has resolved to grant planning permission for Westercraigs on the basis explained at paragraph 10.3.17. The terms of this resolution would allow some development within the Charleston Expansion Area before Phase V of the SDR is completed. The evidence indicates that this resolution reflects the outcome of a technical assessment that, subject to a series of off-site road improvements, the road network could accommodate the traffic likely to be generated. There is no technical evidence that suggests that the Council underestimated the traffic effects. On this basis, and as the resolution conveys the Council’s

intentions, it would be sensible for Policy 2:36(v) to be amended to be consistent with these.

- the City of Inverness West Inset Proposals Map, and the Council's evidence regarding the SDR, confirm that the Council does not intend land for the golf course to extend into the area covered by Policy 2:36(v).

10.3.21 As far as the other objections are concerned, the DDILP sets out an overall strategy for development in this area. It also links this to the provision of new infrastructure, including road improvements, although the plan wording should now reflect the Westercraigs resolution. Policy 2:36 includes requirements for land for community facilities, and developer contributions towards additional secondary school capacity, depending on phasing and monitoring of school roll projections.

Recommendations

10.3.22 I recommend that:

- (1) the sentence on page 5 of the DDILP regarding the restoration of Craig Dunain as the centrepiece of a media campus is deleted.
- (2) the proposed modifications to paragraph 2.3, included in the DDMILP, are accepted.
- (3) paragraph 2.7 is worded to refer to the protection of the most significant listed buildings.
- (4) the modification proposed to Policy 2:7(vi) and reported at paragraph 10.3.17 is accepted.
- (5) the proposed modifications to Policy 2:36(v) and included in the DDMILP are accepted, subject to a further modification to reflect the Westercraigs resolution i.e. to the effect that development at Charleston, other than the houses on the brownfield part of the Craig Phadrig site comprised in the Westercraigs application, will be dependent on completion of Phase V of the SDR, including a canal crossing.

Other matters

10.2.23 Although not the subject of a formal objection, and thus not the subject of a formal recommendation, the Proposals Maps should identify clearly the boundaries of Green Wedges and Amenity land in this area.

10.4 ASHTON ACTION AREA

Objectors: Messrs H & K Munro (94)

Procedure: Public inquiry

Synopsis of objection

10.4.1 Policy 2:7(vii) should refer to the Ashton Action Area as “*capable of accommodating major economic investment, but spanning also business, light industrial and educational uses*”.

Factual background

10.4.2 The Ashton Action Area is 60 ha of farmland located to the south of the A96, to the north of Smithton. Policy 2:7(vii), which describes it as “a prime greenfield site, close to the A9/A96(T) junction and rail lines”, continues:

“This is reserved for a major free-standing campus suitable for large scale/specialist uses which would depend on synergy and a high quality “parkland” location. These developments will require upgrading of the A96(T)/Smithton Distributor Road as specified at (26) below, formation of an access “loop” through the area from West Seafield and Stratton sites, and public transport connections including a rail halt, park-n’-ride and pedestrian/cycle facilities. Exceptional standards in building design would complement adjoining Green Wedges - such open areas are essential to the landscape setting, wildlife habitats and recreational opportunities and require to be delineated and planted concurrent with development”.

10.4.3 The ICALP allocates this 60 ha site for the longer term development of an integrated campus, comprising “*further educational, training, business and supporting services*” and as “*suitable for potential establishment of a Highland University or re-location of Inverness College ...*”.

Brief summary of the main points raised by the objectors

10.4.4 The objectors consider that the Ashton campus should not be considered in isolation, and therefore support the comprehensive approach being put forward by IEL. The change sought to Policy 2:7(vii) reiterates the wording that the Council used in its response to the objectors’ comments on the CDLP. The response ended “*No Change. Amend Proposals Map*”, leaving the impression that the Council intended to include this wording in the DDILP. If these uses are not specifically mentioned, they could be ruled out in the future.

Brief summary of the Council’s response to the objection

10.4.5 The Council agrees that this objection can be included within the scope of this report. As far as the substance of the objection are concerned, as previously explained, the DDILP allocates 58 ha of land at Inverness for business and industry, including 28 ha in this part of the City. THC wishes to reserve the campus for major economic activity, but does not wish to specify possible uses at this stage. It is also anxious that its economic development

potential is not prejudiced by piecemeal building, or by diminishing the adjoining Green Wedge.

Conclusions

10.4.6 It is for the Council to decide whether an objection should be considered as duly made. In this case, it is content that the matter raised by the objector, initially in the context of the CDLP, should be considered.

10.4.7 Policy 2:7(vii), unlike other Action Area policies, does not identify possible future uses for the site with which it is concerned. The Council's wish to leave options open in the policy, to provide flexibility, is understandable, and it intends a Development Brief/Master Plan, prepared in consultation with the public, to specify appropriate uses.

10.4.8 However, paragraph 2.24 of the plan refers to "*major allocations (sic) through Stoneyfield, Stratton and Ashton for strategic, large scale employment uses*". This indication that the planning authority regards employment use as a suitable use is consistent with the Council's response to the objectors' comments on the CDLP. I conclude that the local plan should be more transparent, in an area where the planning authority is prepared to support significant change. It should therefore give a clearer indication, consistent with the response, of the uses regarded as likely to be suitable at Ashton. Expressing these uses as examples, as part of a range, would retain flexibility.

Recommendations

10.4.9 I recommend that Policy 2:7(vii) is amended, on the basis described at paragraph 10.4.8, to give examples of the uses that the Council regards as likely to be suitable at an Ashton Campus.

11. CARSE INDUSTRIAL ESTATE

Objector: Inverness Chamber of Commerce

Procedure: Written submissions

Synopsis of objection

11.1 More needs to be done to improve the Carse Industrial Estate.

Factual background

11.2 Carse Industrial Estate is located to the north of Telford Street the A862, beyond the Telford Retail Park. Access, from Telford Street along Carsegate Road, is shared with the Telford-Carse retail park. The southern part of the estate accommodates a range of industrial and service businesses. A cul-de-sac service road extends through the northern part of the estate, which remains undeveloped.

11.3 Policy 2:8 of the DDILP allocates 6 ha of serviced land at Carse for business/industry. It states that infrastructure and enhancement works, including new signage, will improve the marketability of the estate, which is well-placed for community-based enterprises deriving as part of the Social Inclusion Partnership (SIP) regeneration initiative at South Kessock-Merkinch.

Brief summary of the main points raised by the objector

11.4 The local plan should include proposals to improve the estate's chronic access problems. Further starter units for small businesses and/or the installation of services to vacant sites are key factors in increasing occupancy. Security in relation to the adjacent housing estate also needs to be improved.

Brief summary of the Council's response to the objection

11.5 The policy for the estate takes account of the current access situation. It is important to emphasise new business opportunities in response to the City's changing requirements. These take account of strategic and district employment and the locational demands of different sections of the economy.

Conclusions

11.6 SPP 2: Economic Development (CD13) requires development plans to maintain a supply of sites offering a choice of size, location, and environmental amenity, and to identify supporting action, for example on infrastructure provision, or environmental improvement, that can assist the delivery of economic development.

11.7 Carse Industrial Estate is not a high profile site. The Council appears to acknowledge that it has its locational and access constraints. However, as Policy 2:8 recognises, it is well-placed for community based enterprises associated with the adjacent residential area.

11.8 Paragraph 2:10 of the local plan refers to recent investment at the estate to promote it for business and industry, and Policy 2:8 identifies infrastructure and enhancement works as actions that will improve its marketability. Although not specifically mentioned, these works could encompass access and security improvements, and are adequately expressed for the purpose of a policy. It is impractical for a local plan to include details of works at every location.

Recommendation

11.9 The local plan should not be changed in response to this objection

12. BEECHWOOD PARK

Objector: Carlton Clubs plc (138) and Inverness Chamber of Commerce (54)
Procedure: Written submissions

Synopsis of objections

12.1 Carlton Clubs wishes the local plan to identify a site that it owns at Beechwood Park for leisure use as well as for business/office or complementary uses. The Chamber of Commerce also seeks the identification of Beechwood Park for these uses.

Factual background

12.2 Beechwood Park is located to the north of the B9006 Old Perth Road, opposite Inshes roundabout, between the A9 (to the east) and Raigmore Hospital (to the west). The park is almost fully developed, largely for business use, but also for a public house/restaurant and an hotel. The Carlton Clubs site, the only remaining undeveloped site at Beechwood Park, fronts the B9006, to the west of its junction with the B8082 Sir Walter Scott Drive.

12.3 Policy 4.2.4 of the ICALP identifies 10 ha of land at Beechwood, in 4 parcels (a)-(d), for “business and related uses”, comprising business, health-related, or community/leisure uses, and an hotel. The Carlton Clubs site, parcel (a), which extends to 2 ha, is identified for business, community and leisure uses. Outline planning permission for a bingo club, with a bar/diner, car parking and landscaping, was granted on appeal in July 2003 (THC-8/1).

12.4 Policy 2:9: Business of the DDILP states:

“3.8 ha. of land at Beechwood Business Park, including an area with planning permission for expansion to the north-west, is allocated for business/office development or complementary uses. This location is particularly suitable for a “cluster” of economic activities that would benefit from proximity to Raigmore Hospital and adjacent health-care enterprises. Development should reflect the character of established buildings at Beechwood and be designed to reflect the high profile frontage to Inshes roundabout. Developer contributions will be sought in respect of access improvements...”

Brief summary of the main points raised by the objectors

Carlton Clubs plc

12.5 The objector operates a bingo hall on a restricted site in the centre of Inverness. It is committed to staying in the City and acquired the site at Beechwood in order to relocate. The company is in the process of implementing the outline permission, which confirmed the principle of leisure use. It has submitted reserved matters for approval, and regards leisure use as complementary to the existing uses in the area. These include a leisure (health and fitness) unit, a hotel and bar/restaurant, retail uses, the hospital, housing, offices, the Police Headquarters, research and development, and a church. Inshes Retail Park (which the local

plan identifies as a District Centre) is close by. THC planning officials recommended that the outline planning application that became the subject of the appeal should be granted.

Inverness Chamber of Commerce

12.6 The local plan does not identify sites for commercial leisure and entertainment use. Beechwood Park is in a mixed use area. It should be identified for the uses sought by Carlton Clubs.

Brief summary of the Council's response to the objections

12.7 If the bingo club is not built, the site should be developed for business use. The Inverness & Nairn Enterprise (INE) Network Report: 2002-2003 (THC-8/4) identifies the creation of the Inverness Medi-centre as a key part of its strategy to develop a biomedical cluster in the Highlands and Islands, stating that this seeks to capitalise on biomedical expertise in the area, including Raigmore Hospital and Inverness Medical Ltd. SPP 2 states that specialist activities such as research and development (R & D) and knowledge-driven industries will often require sites where environmental quality, connections to key academic institutions and other R & D facilities, or the potential to associate with similar businesses, will be relevant considerations.

12.8 The Carlton Clubs site is an important and prominent site with excellent access to the A9 trunk road. It is adjacent to uses that could be complemented by an appropriate business development, and its proximity to Inverness Medical Ltd and Raigmore Hospital makes it an ideal location for "cluster" development, linking with R & D facilities. The appeal decision letter states that the ICALP is outdated and no longer relevant, and that the DDILP should be a material consideration. It also describes this site as very important as it is the last site to be developed on the business park, states it should be used as specified in the draft plan, and expresses a view that "community/leisure" does not mean that commercial leisure is acceptable. A 1989 development brief for Beechwood (summarised in THC-8/2) envisaged uses that would serve the neighbourhood or wider markets, and identified a major indoor sports complex, a heritage or similar theme centre, a community hall and a branch library as possibilities. Policy 2:9 should therefore be retained as it is. However, the policy notation on the City of Inverness West Inset Proposals Map omits the expansion area (where Inverness Medical has planning permission) that forms part of the 3.8 ha. This should be corrected.

Conclusions

12.9 A local plan review is an opportunity to reappraise the policies and proposals in an adopted plan, in the light of current circumstances.

12.10 The local plan covering the objection site was adopted in 1994. It therefore pre-dates NPPG 8, which expects local plans to identify sites for new retail and commercial leisure developments within town centres, and if appropriate, at the edge-of-centre. In this regard, I adopt my conclusions at paragraphs 5.4.4-5.4.5 that the local plan satisfies the expectations of NPPG 8 in this regard.

12.11 The adopted plan also pre-dates SPP 2, which identifies securing new development in sustainable locations as a way in which planning can contribute to economic development. SPP 2 recognises the contribution that cluster development can make to the knowledge-based

economy and Scotland's competitiveness, and that specialist R & D activities and knowledge-driven industries will often require sites where environmental quality, connections to key academic institutions and other R & D facilities, or the potential to associate with similar businesses, will be relevant considerations.

12.12 The outline planning permission that has been granted for a bingo club can be implemented while it remains extant, irrespective of the local plan policy for Beechwood Park. However, this permission, which was granted in the context of section 25 of the Act, has a finite life, and ought not to dictate future policy. Beechwood Park has developed over the years to become primarily a high amenity business location, capitalising on its proximity to Raigmore Hospital, its visibility, and its accessibility relative to the A9.

12.13 SPP 1 identifies the aim of the planning system as to ensure that development and changes in land use occur in suitable locations and are sustainable. I conclude that Beechwood Park as a whole is a suitable and sustainable location for business/office development, or for uses that are complementary to this, and that Policy 2:9 as it stands represents an appropriate policy approach.

Recommendation

12.14 Other than the correction of the City of Inverness West Inset Proposals Map referred to above, the local plan should not be changed in response to these objections.

13. LONGMAN INDUSTRIAL ESTATE IMPROVEMENTS

Objector: Inverness Chamber of Commerce

Procedure: Written submissions

Synopsis of objection

13.1 The local plan should specify further action at the Longman Industrial Estate.

Background

13.2 Policy 2:11 of the DDILP states that the Council will promote development/redevelopment of land and buildings for business/industrial purposes at the Longman Estate and will seek to restructure it consistent with certain principles, including the development of 3 ha adjoining Stadium Drive, and redevelopment adjoining the A82/Harbour Road axes for prestigious uses. The other principles listed comprise:

- revised traffic management and safety features including provision for public transport, a rail halt, cyclists and pedestrians, together with signposting and other “legibility” improvements;
- reservation for distributor access to the seaboard/A96 beneath the A9 and a link to the Rail Yards, with the possibility of a dedicated pedestrian/cycle “tunnel” being pursued independently subject to funding;
- design guides relating to building height and set back, materials, signage, landscaping and car parking for sites either side of the A82;
- a framework of structural tree planting to improve the prospect of the estate from the A9.

Brief summary of the main points raised by the objector

13.3 Policy 2:11 should include improvements to the railway crossing and railway bridge on Harbour Road, which act as a severe traffic constraint. It should also include tree planting and landscaping on the A82 at Longman Road, which is the main visitor approach to Inverness.

Brief summary of the Council’s response to the objection

13.4 Policy 2:11 already addresses these factors.

Conclusions

13.5 Policy 2:11 promotes landscaping, which could include tree planting at sites on either side of the A82. The only reference to improved access under the railway is the separate possibility of a dedicated pedestrian/cycle “tunnel”, at a location that appears to relate to the distributor road reservation, A9 underpass, and Rail Yard link, that are promoted in the policy.

13.6 The surface railway crossing on Harbour Road, to the north of the Millburn Road/Old Perth Road roundabout, is light-controlled and is close to a narrow section of road below a railway overbridge. These features act as a severe traffic constraint on Harbour Road, which is the only route into Longman Estate from the south, and would benefit from improvement.

13.7 However, the local plan needs to be realistic, and take account of available resources. In the absence of any evidence that funding for the improvements sought by the Chamber of Commerce is likely to become available in the plan period, it would be inappropriate for the policy to identify these improvements as a specific proposal.

Recommendation

13.8 The local plan should not be changed in response to this objection.

14.1 POLICE HEADQUARTERS EXTENSION

Objector: Culcabock & Drakies Community Council (117)

Procedure: Written submissions

Synopsis of objection

14.1.1 The Police Headquarters (HQ) site should not extend into the SDR “buffer” land.

Factual background

14.1.2 This objection relates to open land to the south of the Northern Constabulary Police HQ on Old Perth Road to the west of the SDR.

14.1.3 Policy 4.3.29 of the adopted local plan states that the Constabulary intends to expand its HQ during the plan period, and that this will involve displacement of the playing field at the rear, and a dedicated access to Inshes roundabout. Policy 4.3.6(a) states that construction of Phase II of the SDR will allow 8.5 ha of land at the rear of Drumossie Avenue to be developed for playing fields, and that the playing field displaced by the Police HQ expansion will have to be relocated into the northern end of this area.

14.1.4 Policy 2:18 of the DDILP allocates 1.8 ha of land to the south of the present Police HQ for further expansion, with access from the HQ site. Policy 2:91 allocates 7.0 ha of land to the south of this as open space “*suitable for a range of recreation and amenity uses, public access and enhancement which may be pursued as part of a community initiative*”. Policy 2:86 (Policy 2:88 in the DDMILP) proposes an Action Plan to guide development adjoining Old Perth Road/Culcabock Avenue.

14.1.5 THC proposed modifications to Policy 2:18 after receiving the Community Council’s objection, substituting 0.8 ha for 1.8 ha, and adding to the policy, after the reference to access from the HQ site:

“ ... and a contribution towards upgrading Inshes roundabout may be required. The layout and design of any buildings and ancillary use of land should have regard to the appearance of the site from the west, minimise disturbance to existing trees, and where appropriate include SUDS to control the release of surface water”.

14.1.6 A consequential modification to Policy 2:91 (Policy 2:93 in the DDMILP), to refer to 8.0 ha, was also proposed. The Community Council remained dissatisfied, and made a further objection.

Brief summary of the main points raised by the objector

14.1.7 Policy 2:18 is contrary to the long-established policy for public use and enjoyment of the buffer area. The adopted local plan envisages that the land that is now proposed for the Police HQ expansion would be used to replace the Police playing field that was lost when the present HQ site was redeveloped. The Police HQ should be confined to its existing site and the buffer land should extend up to the belt of trees to the south of the existing Police

building, which forms a natural edge and screening. Policy 2:18 also raises traffic issues, and is premature, at least until the results of the Inshes roundabout traffic study are available. It would also be premature and prejudicial to the preparation of the Old Perth Road/Culcabock Avenue Action Plan as this is inextricably linked to the Old Perth Road access to Drakies. Police vehicles currently disregard an access restriction on the slip road section of Old Perth Road, placing other users and children at risk. More traffic will make this worse. The fact that the proposed expansion area acted as an attenuation pond in recent flash flooding is a further reason for not building on this site.

14.1.8 As far as the proposed modifications are concerned, the buffer should be 8.8 ha. While a dedicated access to Inshes roundabout might overcome rat-running, this should not deprive local residents of access, or prejudice the Action Plan.

Brief summary of the Council's response to the objection

14.1.9 The Police HQ is a major regional facility in an accessible and strategic position in the City. The Northern Constabulary require additional operational space. The land covered by Policy 2:18 is understood to be available for the purpose, and is not part of the buffer. However, the Police have advised that they require only half of the 1.8 ha. The buffer should therefore embrace the rest of the allocation, with the existing trees and a burn sensitively integrated into the development. The Council is investigating the scope for increasing the capacity of Inshes roundabout, including a dedicated access for the Police HQ. A SUDS package at Inshes/Milton of Leys based on a 1:200 year flood period + 30% will substantially improve the effect of flash flooding at the site. There would be no prejudice to access to Drakies or to the Action Plan.

Conclusions

14.1.10 The Police HQ expansion proposed in the adopted local plan has been completed. The expansion to which Policy 2:18 refers represents a further phase of expansion, onto land that the adopted local plan envisages would be developed as a Police playing field, beyond established trees.

14.1.11 It is desirable in principle for any additional Police operational space that is required to be located adjacent to an established Police facility. While the Community Council's disappointment is understandable, it does not argue that the Police have no need for additional operational space.

14.1.12 The proposed modification would reduce the expansion area to reflect the reduction in the Police land requirement, and allow 8 ha, which is still a sizeable area, to be retained for public recreation and amenity use. The 8.5 ha of playing fields envisaged in the adopted local plan included a Police playing field, which is unlikely to have functioned as public open space.

14.1.13 The way in which the additional operational space would be developed is not explained. However, this could conceivably take the form of built development, together with parking, and other ancillary facilities. Implementation of Policy 2:18 thus has the potential to change the current open character of the site, and of its surroundings, particularly when viewed from the west and south. However, the site is capable of accommodating development, including building without serious detriment to the appearance of its

surroundings, provided this is executed with care. The proposed modifications would provide significant safeguards in that regard. The Council's statement that the SUDS package that has been agreed at Inshes/Milton of Leys would improve the effect of flash flooding at the site is not challenged. Any flouting of the current access restriction is an enforcement, rather than a land use, matter. While the outcome of the assessment of Inshes roundabout is not provided, there is no evidence that the police HQ proposal could not be accommodated in traffic terms, or that the Action Plan, which relates to a location set away from the Police HQ site, need be prejudiced.

Recommendation

14.1.14 I recommend that the modification to Policy 2:18 and the reference to 8.0 ha in Policy 2:91/2:93 proposed by the Council, and included in the DDMILP are accepted, but that the plan is not changed further in response to this particular objection.

Reporter's note: Objections relating to other issues relating to the proposed buffer area are considered in Chapter 14.2 and an objection regarding the Action Area in Chapter 14.3.

14.2 ACCESS TO DRAKIES BUFFER AREA

Objectors: Mr R Allsop (1), Ms J and Mr G Anderson (3), Mr A and Mrs M Breau (21), Culcabock & Drakies Community Council (117), Mr D and Mr W Fraser (87), S, C, R, D & G Lockhart (149), Mrs S and Mr B Mackenzie (174), Mr D Macleod (184), Residents of 121-151 Drumossie Ave per Mrs F Stewart (253), Ms P and Mr N Simpson (243), Mr Mrs F Stewart (253), Mr J, Ms S, and Mr J S Stewart (252), Mr W Wilson (272)

Procedure: Written submissions

Synopsis of objections

14.2.1 Culcabock & Drakies Community Council, which strongly supports public recreational use of the Policy 91 buffer area, does not consider that access has been resolved. The other objectors, who live in the cul-de-sac comprising 121-151 Drumossie Avenue, do not wish pedestrian access to the buffer area to be via this cul-de-sac.

Factual background

14.2.2 The CDLP encouraged a community-led initiative to lay out the buffer area for open space, stating that “*pedestrian access from selected culs-de-sac should link with the proposed park at Inshes...*” Objections were received regarding the intentions for access, and Policy 2:91 in the DDILP was worded as described at paragraph 14.1.4. Paragraph 2.21 of the plan, which refers to the safeguarding of this buffer for community recreation and landscaping, concludes that “*Access to this land needs to be resolved.*” In response to objections to this, the Council agreed to delete this sentence and to remove cycle route/footpaths extending into the buffer, including from the 121-151 Drumossie Avenue cul-de-sac, from the Millburn District Inset Proposals Map.

14.2.3 The cul-de-sac containing 121-151 Drumossie Avenue is on the east side of the street, opposite Drakies Primary School. A signalised pedestrian crossing of the SDR and a footpath with kissing gates crosses the buffer area to a cul-de-sac further to the south, at East Mackenzie Park.

Brief summary of the main point raised by objectors

Residents of the 121-151 Drumossie Avenue cul-de-sac

14.2.4 The SDR crossing and the path to East Mackenzie Park form part of a “safer route to school” and have resolved the issue of access to the buffer area. It would be dangerous to encourage children off this officially sanctioned route by providing another access. An access via the cul-de-sac would increase traffic congestion, cause noise, vandalism, and other anti-social behaviour, and reduce privacy and property values.

14.2.5 In response to the proposed modifications, the Community Council stated (in January 2003) that, while the SDR crossing was in place, a path through the buffer area has not been formed. As the proposed route to East Mackenzie Park is subject to funding and to consultation with residents, it cannot be assumed that access had been completely resolved. Furthermore, access to the wider buffer area would only be resolved when an overall layout or environmental improvement had been agreed and implemented.

Brief summary of the Council's response to the objections

14.2.6 The buffer area has long been reserved for community use. The local plan allows the community to take the initiative in developing it for their own amenity. The cul-de-sac that features in the objections was initially considered as part of a "safer route to school". This has now been resolved using a different route.

Conclusions

14.2.7 The Community Council's objection has been overtaken by events, to the extent that a footpath crossing from the SDR to East Mackenzie Park has been formed, as a designated "safer route to school". Access to the buffer area is available via this route.

14.2.8 None of the other objectors takes issue with the allocation of the buffer area as open space, or with public access to this area, in principle. Policy 2:91/2:93 allows the manner in which the area will be used and laid out, for recreation and amenity uses and public access, to be pursued as part of a community-led initiative. Any such initiative would involve the type of detailed consideration that it would be appropriate to pursue separately from the local plan, which is concerned with land use. The final sentence of paragraph 2.21 in the deposit draft plan, and the cycle route/footpaths shown on the Millburn District Inset Proposals Map could be construed as pre-empting the outcome of this consideration, and should be deleted.

Recommendation

14.2.9 I recommend that the final sentence in paragraph 2.21 of the DDILP plan and the cycle route/footpaths shown on the Millburn District Inset Proposals Map are deleted, as proposed in the DDMILP.

14.3 CULCABOCK AVENUE/OLD PERTH ROAD AREA AND CULCABOCK ACTION PLAN

Objector: Culcabock Village Association (55)

Procedure: Written submissions

Synopsis of objection

14.3.1 Paragraph 2.21 of the plan should be redrafted to clarify the Council's attitude to development in the Culcabock Avenue/Old Perth Road area. Any development proposals should safeguard the character of the area, which already suffers from traffic and access problems.

Factual background

14.3.2 Policy 2:21 of the DDILP states that the Council will identify locations in neighbourhoods close to public transport routes and within convenient walking distance of most homes where mixed uses/community facilities could develop ... *"this could assist their viability ... and enable local land use/traffic difficulties to be resolved over time. The Council will prepare Action Plans/Development Briefs for such localities and will consider development proposals in light of these principles"*.

14.3.3 Paragraph 2.21 states, among other things, that limited redevelopment adjoining Drakies House could enable local housing, traffic provisions, and part of the policies, to be safeguarded.

14.3.4 Policy 2:78(iv) allocates a 0.4 ha site at Wester Drakies, at the southern end of Culcabock Avenue, for housing *"including conversion/redevelopment subject to access"*.

14.3.5 Policy 2:86 states:

"Further to (21) above and in consultation with the community, the Council will prepare an Action Plan to guide development adjoining Old Perth Road/Culcabock Avenue, where a nucleus of local facilities has developed. This will address (i) the future of Drakies House and the former school buildings; (ii) the scope for limited development of its grounds and retention of part of the policies; and (iii) severe access constraints and upgrading of Old Perth Road including bus bay, cycling and crossing facilities. Notwithstanding Policy 78(iv) above, further land within the curtilage of Drakies House is unsuitable for development without improved access".

Brief summary of the main points raised by the objector

14.3.6 Paragraph 2.21 does not make clear the Council's attitude to development in this area and needs to be redrafted. As Culcabock Avenue is the only access to the Action Plan area, any development/redevelopment there would put intolerable pressure on Culcabock Avenue, and on the already congested Old Perth Road and Culcabock Road. A section 75 agreement should require prior resolution of access problems. Even if an alternative access to the site

could be found, increased difficulties on Old Perth Road and Culcabock Road appear unavoidable

14.3.7 Culcabock Avenue is part of the old Village of Culcabock, and has retained its charm and special character, and a strong sense of community identity. Public access to Drakies House via the Avenue should not be permitted, and the field attached to the house safeguarded as open space, also without public access. The proposed Action Plan area is extensive, and residents would be strongly opposed to the type and scale of development that would be required to finance planning “gain” such as widening of Old Perth Road. A partial solution, involving a bus bay and partial road closure, could be undertaken now, independent of any redevelopment. The community should be fully involved in the Action Plan.

Brief summary of the Council’s response to the objection

14.3.8 Any development at this location depends on land availability and assembly. The Council is seeking to avoid piecemeal development and ensure that proposals allow proper consideration of the scope to resolve local access and amenity concerns. However, it is accepted that the plan should be more explicit about the extent of development that may be acceptable within the Drakies House policies. Policy 2:86(ii) (renumbered Policy 2:88(ii) in the modified plan) should therefore be modified to read “(ii) *the scope for development of no more than 50% of the frontage policies of Drakies House and the retention of the remainder of its grounds*”.

Conclusions

14.3.9 Culcabock Avenue is a fairly narrow, residential cul-de-sac with limited footway provision. In its present condition, it is unsuitable for significantly increased use by traffic. The proximity of houses to the road is likely to limit the scope for road improvements. The local plan recognises that access is a constraint to development or redevelopment in this area. Although within the City, Culcabock Avenue retains a village ambiance that also deserves to be protected.

14.3.10 The best construction I can place on the part of paragraph 2.21 that is the subject of objection is that it is intended to convey that there is scope for limited redevelopment adjoining Drakies House, provided that local housing and traffic considerations are taken into account, and the remainder of the policies is safeguarded. This part of the paragraph would benefit from clarification. The proposed modification to Policy 2:86 is helpful in clarifying the council’s attitude regarding the scale of development or redevelopment that it regards as likely to be acceptable in the grounds of Drakies House. According to the Millburn District Inset Proposals Map, the Action Plan area does not cover the Policy 2:79(iv) site or, despite its terms, Drakies House.

14.3.11 It is desirable that Drakies House, and the former school buildings, should have a positive use for the future, provided this is appropriate to their surroundings. The type of Action Plan the Council has in mind would be helpful in furthering this, and in addressing access issues in a co-ordinated manner.

14.3.12 It would be undesirable for the local plan to pre-empt consideration of options, including for traffic and access, in advance of the Action Plan. This would be a separate

document from the local plan, and would be prepared in consultation with the community. Any interim traffic solution ought also to be pursued separately from the local plan.

Recommendations

14.3.13 I recommend that:

(1) the second sentence of paragraph 2.21 is reworded along the following lines:

“Local facilities have evolved at Perth Road/Culcabock Road. There is scope for limited redevelopment on land adjoining Drakies House, provided that local housing and traffic considerations are taken into account, and the part of the policies that remains undeveloped is safeguarded”.

(2) the proposed modification to Policy 2:86 is accepted.

(3) the Council amends the Millburn District Inset Proposals Map to reflect the extent of the Action Plan area.

Other matters

14.3.14 Although not the subject of a formal objection, and thus not a formal recommendation, the relationship between Policy 2:86 and Policy 2:78(iv), which cover separate areas, might be clearer if the last sentence of Policy 2:86 was omitted, and Policy 2:78(iv) was made “*subject to access improvements*”.

15. HARBOUR

Objectors: Scottish Environment Protection Agency (SEPA, 171), Scottish Natural Heritage (SNH, 116), and RSPB Scotland (8)

Procedure: Written Submissions

Synopsis of objections

15.1 The proposal promoted in Policy 2:23: Harbour is likely to adversely affect water quality and nature conservation interests in the Moray Firth cSAC and in a nearby SPA and Ramsar site. The policy lacks adequate safeguards to safeguard these interests.

Background

15.2 Policy 2:23 of the DDILP states:

“12.5 ha of land comprising the Harbour and adjoining service areas is allocated for expansion of the port and ancillary uses. Safeguards will be required for the Firth’s nature conservation interest; the Harbour Authority is providing additional facilities and intends to pursue a further phase of reclamation for operational purposes to the north, together with possible expansion of the yacht marina between 2002/05 ...”.

15.3 The Moray Firth cSAC is recognised for its resident population of bottlenose dolphins and for its sub tidal sandbanks. The Moray Firth SPA and Ramsar site is designated for its inter tidal flats, and internationally important breeding and over wintering populations of birds.

15.4 In response to the objections, THC proposed to insert, after “*ancillary uses*”, the words “*subject to Environmental Assessment of the effect of development on the Moray Firth cSAC and SPA and safeguards for the integrity of these interests where appropriate*”.

Brief summary of the main points raised by the objectors

SEPA

15.5 The development described in the policy would undoubtedly constitute EIA development in terms of the Environmental Impact Assessment (Scotland) Regulations 1999. It would also require “appropriate assessment” under the Conservation (Natural Habitats &c) Regulations 1994, due to potential impacts on the European interests identified by SNH. In addition, consideration under the Water Framework Directive (WFD) would be required as coastal engineering affecting coastal waters would be involved. The policy should therefore make clear that both phases of the development to which the policy refers will require safeguards for water quality, and will depend on consideration of impact under EIA, appropriate assessment procedures, and relationship to the WFD.

15.6 WFD ecological status objectives have to be achieved for all coastal waters in this type of location. SEPA has already been consulted on an EIA scoping and screening exercise relating to reclamation of what it understands to be 6.9 ha of the 12.5 ha site. This

reclamation would also raise river engineering issues within the context of the WFD. SEPA has objected to this 6.9 ha proposal (which is being promoted under a Harbour Revision Order) until it has been demonstrated that it would be acceptable in terms of its interests.

15.7 SPP 1 states that the obligations specified in European Directives have implications for the use of land, which should be recognised and reflected in development plans and development control decisions. The WFD has been transposed into Scots law by the Water Environment and Water Services (Scotland) Act 2003. Secondary legislation remains to be put in place, but there is already a general requirement on responsible authorities to ensure it is complied with. The Directive requires all waters in Member States to achieve at least “good” ecological status by 2015, and that “high” quality waters do not deteriorate. If the development described in Policy 2:23 did not meet the relevant criteria, measures might be required to deal with issues that could have been taken into account in the initial design, at less cost. NPPG 13: Coastal Planning states that structure plan policies should be translated to more detailed policies for safeguarding the environment on the coast, and that these should outline the criteria that will be applied with respect to the location and design of new development, having regard to the risk from erosion and flooding, cultural and natural heritage interests.

15.8 In the light of the above, Policy 2:23 ought to be amended to insert, after “*ancillary uses*”, “*subject to Environmental Assessment of the effect of the development on the Moray Firth cSAC and SPA and safeguards for the integrity of these interests where appropriate and consideration under the Water Framework Directive*” and after “*further phase of reclamation*” the words “*subject to EIA, appropriate assessment and consideration under the Water Framework Directive*”.

SNH

15.9 Part of the Policy 2:23 site is within the cSAC. EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (the “Habitats Directive”) and EC Directive 79/409/EEC on the Conservation of Wild Birds (the “Birds Directive”) apply the Conservation (Natural Habitats &c) Regulations 1994. Regulation 48 sets out the UK Government’s obligations under the Directive where new plans or projects are concerned. This requires a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a European site, and is not directly connected with or necessary for the management of the site, to make an appropriate assessment of the implications for the site, in view of the site’s conservation objectives.

15.10 As Policy 2:23 represents a plan or project under Regulation 48, THC has a duty:

- to determine whether this proposal is directly connected with, or necessary to, site management for conservation; and if not,
- to determine whether it is likely to have a significant effect on the site, either individually, or in combination with other plans or projects; and, if so, then
- to make an appropriate assessment of the implications of the proposal for the site in view of the site’s conservation objectives.

15.11 Environmental reports for the 6.9 ha reclamation site referred to above indicate this would not adversely affect the qualifying interests of the SPA. SNH is still assessing the

implications for dolphins. However, the development of the 12.5 ha site, which does not appear to be related to conservation management, appears likely to have a significant effect on dolphins, and on birds, by reducing habitat for qualifying species. SNH cannot say at this stage whether the integrity of the cSAC or the SPA would be affected. However, it maintains its objection to the policy until the council has done an appropriate assessment, and this demonstrates that the integrity of the cSAC or the SAC would not be affected. If the assessment indicates this integrity would be adversely affected, the proposal could only proceed if there were imperative reasons of overriding public interest, which can include those of a social or economic nature.

RSPB Scotland

15.12 The 12.5 ha site should be the subject of an appropriate assessment before it is zoned for development in the plan. An ES prepared after the construction of a storm water outfall in the locality showed that this particular area is important for waders and wildfowl. It also concluded that further development would not only have implications for the area claimed, but could also have a significant impact on the wider SPA. The policy area is virtually the last remaining area of mudflats at Inverness. In addition to its wildlife interest, it is an important educational and recreational resource.

Brief summary of the Council's response to the objections

15.13 Implications for the cSAC and SPA will require to be investigated and taken into account in the context of Policy BP4, which states that the council will not approve development unless there are overriding social, economic, public health, or safety reasons, or for benefits of primary importance to the environment. The proposed modification provides sufficient safeguards to protect the integrity of the cSAC and the SPA. NPPG 14 makes clear that if a development is likely to have an effect on such areas, then an ES is required. If this shows that there is an impact on the environment, the planning authority must take this into account in considering the proposal. The NPPG also makes clear that the Habitats Directive does not impose a general prohibition on development in, or adjacent to, Natura 2000 areas. It suggests ways of mitigating the risk of irreversible damage to the environment; and indicates that the planning authority should make every effort not to impede development, by using these methods to remove potential threat to protected areas. It is only where it appears that a proposal cannot be modified to eliminate the risk of irreversible damage, and the type of "imperative reasons" described by SEPA do not arise, that planning permission must be refused.

15.14 The proposed modifications to Policy 2:23 would require a developer to produce an ES to demonstrate the impact of its proposal on the integrity of the cSAC and SPA. It is unreasonable for SNH to suggest that THC should carry out such an exercise at this stage. As different proposals will have a different impact; and the requirement to produce an ES should fall on a developer, when an application is submitted. An ES would include effects on water quality. This view is endorsed by NPPG 14, which states that planning authorities will have a role in the protection of marine and coastal Natura 2000 areas in situations where a land-based development might have a significant effect on the natural heritage interests for which the area is designated.

Conclusions

15.15 These objections are directed at achieving compliance with statutory and national planning policy provisions and obligations regarding European nature conservation sites and water quality. SPP 1 states that the obligations specified in European Directives have implications for the use of land, which should be recognised and reflected in development plans and development control decisions. Policy N1 of the HSP, with which the local plan must conform in order to be adopted, states that development that would have an adverse effect on the conservation interests for which a site of international importance has been designated will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. As this local plan will not be subject to Strategic Environmental Assessment (SEA) procedures, it is important that appropriate provisions are put in place for the protection of European sites.

15.16 The Policy 2:23 area is shown on the City of Inverness West Inset Proposals Map, whereas Policy BP4 features are mapped on the smaller scale Proposals Map that covers the entire local plan area. It is difficult to establish whether these two areas overlap. In any event, development in the area that is the subject of the policy could have implications for the regulatory regimes applied by the Conservation (Natural Habitats &c) Regulations 1994, the Environmental Impact Assessment (Scotland) Regulations 1999, and the WFD.

15.17 The council's response does not address the first of these regimes. However, the modifications it proposes would make development for port expansion and ancillary uses, at least on 12.5 ha of land, subject to Environmental Assessment of likely effects on nature conservation interests, and safeguards for these interests "where appropriate".

15.18 An ES would be required in cases where EIA development was proposed, irrespective of the terms of Policy 2:23, would be likely to encompass consideration of potential impacts on water quality. However, Policy 2:23 ought to recognise that water quality safeguards might be required for reasons other than nature conservation. It would also be prudent for the policy to make clear that the requirement for Environmental Assessment would apply to all the land covered by the policy. The wording of the council's proposed modification implies this requirement would only apply within the 12.5 ha site, although the policy also refers to a further phase of development.

15.19 Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 requires an appropriate assessment before a competent authority decides to undertake, or give consent, permission, or other authorisation for, a plan or project which is likely to have a significant effect on a European site, and this plan or project is not directly connected with, or necessary for, the management of the site. The council would have the status of a "competent authority" for the purposes of this regulation in the event of a planning application being made. No party argues that the type of development envisaged in Policy 2:23 would be related to the management of a European site, or that, as far as can be established at this stage, it would be unlikely to have a significant effect on such a site.

15.20 However, the council is not proposing to undertake the development. Furthermore, and while ultimately a matter for legal advice, the best construction I can place on Regulation 48 is that a local plan allocation does not amount to a consent, permission or authorisation. Any development would require to be authorised by a grant of planning permission in due

course. It would, in any event, be impractical to undertake a detailed assessment, and thus the prospects for suitable mitigation, until such time as a specific proposal is identified. Accordingly, the best this local plan policy can do is to make clear that the relevant regulatory regimes would apply to any proposals within the policy area and their potential consequences.

Recommendation

15.21 I recommend that Policy 2:23 is modified to read

“12.5 ha of land comprising the Harbour and adjoining service areas is allocated for expansion of the port and ancillary uses. The Harbour Authority is providing additional facilities and intends to pursue a further phase of reclamation for operational purposes to the north, together with possible expansion of the yacht marina between 2002/05. Development in these areas will be subject to assessment of the effect on the Moray Firth cSAC and SPA and water quality, and safeguards for the integrity of these interests where required. Where it is concluded that this integrity would be likely to be adversely affected, planning permission will only be granted if there are imperative reasons of overriding public interest”.

16. PARK AND RIDE

Objector: Inverness Chamber of Commerce (54)

Procedure: Written submissions

Synopsis of objection

16.1 This objection questions the financial viability of park and ride.

Factual background

16.2 Policy 2.30: Park n' Ride (sic) states:

“The Council will discuss with transport operators, existing users and owners/developers of land at West Seafield, Longman Bay, and Torvean, the scope for introducing Park n' Ride facilities at these locations. This may involve shared use of car parks and related infrastructure associated with measures to “intercept” commuter traffic”

Brief summary of the main points raised by the objector

16.3 Based on experience elsewhere, the Chamber has grave doubts about the financial viability of park and ride. If this proves unpopular with the travelling public, the City Centre economy will suffer, encouraging businesses to relocate elsewhere. Promoting park and ride is therefore a huge and unnecessary gamble.

Brief summary of the Council's response to the objection

16.4 This is a long-term aspiration based upon viability. It is important that such opportunities are reserved in the context of the City's infrastructure.

Conclusions

16.5 NPPG 8 and NPPG 17 expect parking policies for town centres to give priority to good quality, well located, short-stay parking, and to discourage car commuting by restricting opportunities for long-stay car parking. NPPG 17 also expects car restraint policies to be supported by appropriate complementary measures to promote the availability of high quality public transport, and the effective management of traffic demand. Park and ride has the potential to complement City Centre provision by providing long-stay car parking in association with out-of-centre developments, with a public transport link to the City Centre.

16.6 Policy 2:30 does not specify park and ride schemes but simply commits the Council to discussing these as a possible transport option at certain locations in Inverness. Any such discussions would be consistent with national and HSP transport policy, and with the LTS, all of which are based on sustainability principles. It is highly unlikely that these discussions would not encompass consideration of financial viability, and likely level of use.

Recommendation

16.7 The local plan need not be changed in response to this objection.

17. URBAN CYCLE ROUTES AND OTHER CYCLING PROVISION

Objectors: Inverness Chamber of Commerce (54), Mrs A Ramsay (222)

Procedure: Written submissions

Synopsis of objections

17.1 These objections criticise aspects of the local plan's treatment of, and approach to, cycle routes

Background

17.2 Policy 2:32: Urban Cycle Routes in the DDILP states that:

“The Council is bringing forward positive measures in pursuit of the Local Transport Plan and the UK National Cycling Strategy; and will seek to facilitate development of the ISCRN (Inverness Strategic Cycle Route Network) as identified on the Proposals Map, through its own capital allocations, developer contributions, and community projects. Further commitments will be sought from the SE where routes align with or are part of the national network”

17.3 Policies GP9, 2:25 and 2:29 also refer to provision for cyclists.

Brief summary of the main points raised by objectors

Inverness Chamber of Commerce

17.4 The local plan should include a clear map of urban cycle routes, which are very difficult to identify and to distinguish from footpaths on Inset Proposals Maps. Developers should not be required to pay for isolated parts of the network before beginning their own development. Individual stretches have no value until the network is completed.

Mrs A Ramsay:

17.5 The local plan does not make adequate provision for separate cycle lanes to promote safer cycling.

Brief summary of the Council's response to the objections

17.6 The Insets Proposals Maps will be changed. Policy 2:29 provides for cycle facilities in association with the urban distributor road network. Policy 2:32 explains that the council is seeking to implement the ISCRN through its capital funds, developer contributions and community projects. Given the situation with public funding, it is entirely appropriate to seek developer contributions to this project, which will be achieved incrementally.

Conclusions

17.7 NPPG 17 states that local plan Proposals Maps should include any specific new cycling provisions and measures to make cycling safer and more attractive. The Inset Proposals Map legend in the DDILP does not distinguish between cycle routes and footpaths, or mention the ISCRN. The DDMILP legend also maintains a common notation for cycle routes and footpaths, again without reference to the ISCRN, although the form of notation in the legend is changed. However, the notation on the Inset Proposals Maps has not changed. In addition to distinguishing between cycle routes and footpaths, the notation on the Maps and in the legend should be consistent with each other. To be consistent with Policy 2:32, the Inset Proposals Maps legend should also refer to the ISCRN.

17.8 A cycle route network, by its nature, is likely to be provided on an incremental basis. There is no reason why developer contributions should not be sought towards the cost of providing stretches of the network, provided the principles in SODD Circular 12/1996 are respected. The local plan does not stipulate that contributions must be provided before the development to which these relate is commenced.

17.9 NPPG 17 recognises that safe cycling facilities benefit people of all ages, promoting healthy life styles, particularly for young people, giving them independence, and reducing the need for car journeys. The local plan contains several policies directed at securing improved provision for cyclists. These include cycle lanes and defined crossing points, under the auspices of Policy GP9; and improved provision for cyclists related to Urban Trunk Roads and Urban Distributor Roads, in Policies 2:25 and 2:29 respectively. Policy 2:32 contains express commitments to bring forward positive cycle measures, and to facilitate development of the ISCRN. Together, these provide an adequate policy basis for the provision of facilities to promote safer cycling. However, it would be impractical for the local plan to specify detailed provision at individual locations, particularly where this remains to be decided.

Recommendation

17.10 As part of the overall reappraisal of the Proposals Maps that the Council intends, the Inset Proposals Maps and their associated legend should clearly distinguish cycle routes from footpaths. The Maps should also identify routes that comprise, or are intended to comprise, the ISCRN.

18. SURFACE WATER DRAINAGE IN SOUTH INVERNESS

Objectors: Ms E Fairclough (74) Tulloch Homes (264)

Procedures: Written submissions

Synopsis of objections

18.1 Ms Fairclough questions whether the local plan takes due notice of the effect of existing or planned housing development on drainage and flooding problems. Tulloch Homes' objection is that it is essential that the council completes its feasibility exercise relating to the identification of a comprehensive strategy for the disposal of surface water in the southern part of the City at an early date.

Factual background

18.2 Policy 2:33 of the DDILP states (in summary) that a comprehensive strategy for the disposal of surface water in the southern part of the urban area is needed; that this will involve diversion of excess flows from existing water courses via an alternative route to the Holm Burn and the River Ness; and that the route identified for this purpose on the Proposals Map will be safeguarded. It goes on to say that the Council would proceed with a Flood Prevention Order, and carry out site investigations and detailed design work; and that the feasibility study attaching to the proposed surface water interceptor would consider any potential benefits deriving from managing flows on the Mill Burn.

Brief Summary of the main points raised by the objectors

18.3 Ms Fairclough refers in her objection to a 1990 report by Mott MacDonald on the South Inverness Drainage Basin.

18.4 Tulloch Homes is concerned that the local plan requires development designs at Holm Mains, Culduthel-Slackbuie and Fairways to reserve a corridor for a flood relief channel that might never materialise.

Brief summary of the Council's response to the objections

18.5 Consultants have completed a feasibility study for the proposed surface water interceptor. SE approval is being sought to allow detailed design, consultations, a Flood Prevention Order, Environmental Assessment if necessary, and implementation, subject to planning permission, in 2004/05.

Conclusions

18.6 Policy 2:33 indicates that the Council was aware of the relationship between housing development in the southern part of Inverness and potential drainage and flooding problems, prior to publication of the DDILP, and was already taking steps to address this through a comprehensive strategy for the disposal of surface water in this area.

18.7 Planned housing development at Culduthel-Slackbuie is predicated on the provision of a new Storm Water Relief Interceptor, with a route safeguarded through to the Holm Burn and the River Ness.

18.8 The Tulloch Homes objection has been overtaken by events to the extent that the feasibility study was completed by Spring 2003. On the basis of the programming stated, works may already be underway. In any event, Policy 2:33 ought to be redrafted to reflect the current factual position.

Recommendation

18.9 I recommend that Policy 2:33 is redrafted to reflect the current factual position regarding this scheme.

19.1 WESTHILL EXPANSION AREA

Objectors: Mr S Austin (4), National Trust for Scotland (9), Mr P Black (15), Highland Cycle Campaign (51), Westhill Community Council (61), Mr & Mrs Crews (69), Ms L Gunn (100), Ms S Ian (120), Mr & Mrs Mackay (169), Cradlehall Playgroup (170)

Procedure: Written submissions

Factual background

19.1.1 Westhill is the third of the Expansion Areas that Policy 2:36 identifies for the completion or development of mixed use/residential neighbourhoods. In relation to Westhill, the policy states:

“(iii) WESTHILL: 40.0 ha. of land at Woodside, Culloden subject to a mains foul sewer and water supply connections. Access will be taken primarily from Tower Road by a “loop” distributor system and reinstatement of bridges over the railway with paths for pedestrian/cycle use to connect the established network. Section 75 Agreement will be sought if necessary to secure 7 ha. of open ground adjoining the B9006, from which very limited access will be permitted”

19.1.2 The ICALP allocates 27.6 ha of land for housing and community uses at Woodside of Culloden, considered free of major constraints, for 278 houses. It also identifies a further 8.9 ha. at Woodside East for 150 houses, but states that servicing, site configuration or legal constraints need to be resolved before development can proceed. Land to the south of Tower Road is reserved against a possible longer term need for a primary school, a neighbourhood shop and parking, and a playing field.

19.1.3 The Westhill Expansion Area comprises all the land described in the previous paragraph, together with additional land to the south-east, rising to the B9006. Outline planning permission for up to 550 houses on a substantial proportion of the Expansion Area was granted in March 2003 (THC-10/8) and reserved matters were approved for part of the site in February 2004 (THC-10/12). At the time of the inquiry, development was underway adjacent to Tower Road.

19.1.4 THC approved a development brief, the Firthview-Woodside Development Brief (THC-10/6), for the Expansion Area in February 2003. A draft brief had been published for consultation in September 2002. This consultation period coincided with the deposit period of the DDILP and those who made representations regarding the draft brief were asked to confirm whether they wished their representations to be treated also as objections to the local plan. The parties listed above provided this confirmation, and the Council agreed to refer their representations for consideration at the inquiry. It also published a proposed modification to Policy2:36(iii), to add *“Development will be expected to proceed in accordance with the agreed Development Brief”* after *“access will be permitted”*.

19.1.5 The Development and Land Uses Framework in the approved development brief shows distributor loop roads extending through the site, north and south of Tower Road; higher density housing on the lower parts of the site, adjacent to Tower Road, and lower

density on higher land. The approved brief does not consider land above the 120 m contour to be suitable for “mainstream” housing, although it countenances up to 6 paddock style plots in this area.

Brief summary of the main points raised by objectors

19.1.6 The main issues raised in representations to the brief by local residents and referred to the inquiry are:

- why does Woodside need to be developed when huge areas are earmarked for development elsewhere around Inverness?
- the development that is proposed will exacerbate existing pressures on school and pre-school facilities.
- a new primary school, and play facilities/open space should be provided in association with development.
- the development will result in traffic and road safety problems.
- drainage and water supply must be carefully assessed.
- the draft brief does not properly consider the effect on valuable local habitats.

19.1.7 The Highland Cycle Campaign identified a range of matters that it wished to be included in the brief. Some were included in the approved document, although others were not. The Campaign indicated in its written submission for the inquiry that it remains dissatisfied.

19.1.8 In a separate objection, to the DDILP, the National Trust for Scotland (NTS) expressed concern regarding the possibility of encroaching development, including at Viewhill, in relation to the setting of Culloden Battlefield.

Brief summary of the Council’s response to the objections

19.1.9 The Council deferred approval of the brief in January 2003, so that the issues raised in representations could be further considered, and made changes to the brief before it was approved (THC-10/7).

19.1.10 The approved brief explains that the Council intends to alter the catchments of Cradlehall and Smithton Primary Schools, to bring the Expansion Area wholly within the Smithton catchment. As the number of pupils likely to be generated by the scale of house-building that is envisaged broadly aligns with projected spare capacity in existing schools, there is no need to continue to reserve a site for a new school in this area. The other matters raised regarding education provision will be addressed separately from the local plan

19.1.11 The brief indicates that open space consistent with National Playing Fields Association (NPFA) standards will be expected at the development. In addition, the developer(s) will be expected to contribute towards addressing a shortage of sports pitches for youth/adult use in Culloden. This provision should be at a location convenient and accessible for the District as a whole. The physical characteristics of the area covered by the brief, and likely conflicts with residential amenity, make it inappropriate to provide it there. The brief also provides for developer contributions towards the cost of a community hall, and to the cost of dualling the A96 and the Smithton distributor road. The roundabout under construction at the A96/Smithton distributor road junction is part of this contribution, and is

designed to be compatible with future dualling. The trunk road carries much more traffic than the Smithton Distributor and is to be dualled first. Other roads and traffic issues and provision for cyclists have also been addressed. Cycling provision alongside the A96 is a matter for the SE RNMD.

19.1.12 The brief also indicates that the upper part of the Expansion Area could provide for visitor/community parking, picnic and viewpoint facilities, together with public access to Culloden Wood. Continuation of agriculture/grazing, public use, or a limited number of paddock style plots, are acceptable alternatives. The brief has regard to the impact on local habitats and nature conservation. A reference in the draft version to the 100 m contour as the limit for mainstream housing ought to have read “120 m contour”. However, the brief reinforces the principle of protecting views from the B9006. The outline planning permission (THC-10/8) requires low density housing at the southern end of the site.

Conclusions

19.1.13 The representations summarised at paragraph 19.1.6 include questioning the need for this allocation. In addition, the NTS is concerned regarding the implications of development at this location for the setting of Culloden Battlefield.

19.1.14 The fact that most of the land concerned is allocated in the adopted local plan does not, in itself, justify retaining the allocation in a review plan. However, as outline planning permission has been granted for a substantial proportion of this area, and development is underway, deleting the allocation would not serve any practical purpose. In any event, Culloden Battlefield is almost 1.5 km east of the Westhill site. The brief, and thus the proposed modification to Policy 2:36(iii), allow only very limited development above the 120 m contour, in the vicinity of the B9006. While the precise effect of development will depend on detailed design, adherence to this principle, and the distance between the 2 locations, should mean that the setting of the Battlefield is not significantly affected.

19.1.15 As I made clear at the pre-inquiry meeting, it is outwith my remit to make formal recommendations regarding the content of a development brief. This document is separate from the local plan, and its terms are a matter for the planning authority. I note that the Council made changes to the brief, before it was approved, in response to representations, although some of those who made representations remain dissatisfied.

19.1.16 The modification to Policy 2:36(iii) proposed by the Council records the approval of the brief, and expects development at this location to accord with the approved document. It is impractical to foresee all eventualities, and a measure of flexibility is generally desirable. However, the terms of the proposed modification indicate that, before the Council countenanced a departure from the terms of the brief, it would be necessary for the party seeking such a departure to demonstrate that this was justified on planning grounds.

19.1.17 On the basis of my conclusion at 19.1.15, I conclude that the best the local plan can do is to reflect the terms of the approved brief.

Recommendation

19.1.18 I recommend that the modification proposed by the Council, and included in the DDMILP, should be accepted, as this reflects the factual position. It would also be helpful for

Policy 2:36(iii) to identify the main development principles included in the brief, to the extent that these are not already described in the policy.

19.2 NESS CASTLE/NESS-SIDE EXPANSION AREA

Objectors: Holm Community Council* (24), Richard Tyser Trustees (77), Mr M Riggs (128), Mr D MacDonald (133), Tulloch Gray (136), Mr M MacRae (190)

Procedures: Public inquiry* and written submissions

Synopsis of objections

19.2.1 Holm Community Council is anxious that the plan should fully address the traffic and drainage consequences of development in this area. The Richard Tyser Trustees, who own land at Ness Castle (Torbreck), wish to be fully involved in a development brief/master plan for the area. Mr Riggs and Tulloch Gray wish THC to issue a development brief for the entire area covered by Policy 2:36(iv), and to establish the route of the SDR to the river and canal crossing before the plan is adopted. Mr MacDonald's objection is that his land at Milton of Ness-side should be allocated for specific tourist, social and leisure uses, such as timeshare holiday apartments, an apart hotel, special social housing and leisure facilities. Mr MacRae wishes his croft at 2 Ness-side to be identified for development.

Factual background

19.2.2 Ness Castle/Ness-side is the fourth Expansion Area listed in Policy 2:36. Policy 2:36(iv) in the DDMILP states (the emboldened sections of text are proposed modifications):

*“(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 SDR with 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”.*

19.2.3 The adopted local plan allocates 90 ha of land at Ness Castle for longer term development and 75 ha at Ness-side and Holm Mains for housing and related community facilities. At the time of the inquiry, development at Holm Mains was well advanced.

Brief summary of the main points raised by objectors

Holm Community Council

19.2.4 The Community Council does not oppose development in principle. However, it wishes community facilities to be provided in association with new housing, and intends to scrutinise detailed plans in due course. It also wishes the local plan to state that the

Community Council will be consulted on the development brief/master plan. Everything possible should be done to ensure satisfactory traffic conditions on Dores Road and Island Bank Road, and water and sewerage infrastructure should be given high priority.

The Richard Tyser Trustees

19.2.5 The objector produces a Development Brief Discussion Document for Ness Castle/Ness-side as an inquiry document (77/1). This is stated to have been prepared in consultation with the Council to provide the overarching framework to guide the sustainable development of land at the proposed Expansion Area.

Mr Riggs and Tulloch Gray

19.2.6 The objectors own land at Ness-side. In addition to the points listed in paragraph 19.2.1 above, they state that the development brief should indicate more precisely which areas would be best suited for the District Centre, primary school, and major park, and address the funding contributions that will be required. However, they consider that the proposed modifications are “in line with” their objections.

Mr MacDonald

19.2.7 This objector is also content that the proposed modifications are in line with his objection.

Mr MacRae

19.2.8 As the Ness-side development would surround the objector’s croft, and severely prejudice its viability, it should be identified for development. The DDMILP City of Inverness West Inset Proposals Map appears to include the croft in the Expansion Area, although it does not have a Policy 2:36(iv) notation.

Summary of the council’s response to the objections

19.2.9 As far as the Community Council’s objection is concerned, discussions are underway between the Council, the water authority and potential developers. Development in this area depends on major off-site upgrading of infrastructure, including water and drainage. Policy 2:36(iv) in the DDMILP emphasises these requirements, and includes a commitment to prepare a comprehensive development brief/master plan for the entire Expansion Area. In progressing the brief, the council will consult the Community Council. The Richard Tyser Trustees and Tulloch Homes have lodged planning applications for the Ness Castle area.

19.2.10 As regards the other matters raised, much of the preparatory work for a brief has been done. However, the Council has been unable to publish a draft for consultation, because of uncertainty regarding the alignment of Phase V of the SDR, and the size and composition of the District Centre. It decided not to publish a brief covering only part of the Expansion Area because different parts have servicing, community facility, and footpath linkages. For example, the requirement for a new primary school would most sensibly be met in or adjacent to the new District Centre, but the size and arrangement of the Centre depend on the outcome of the inquiry.

19.2.11 The Council accepts that the range of potentially suitable activities at Milton of Ness-side identified in the DDILP could be broadened. However, as development here is inextricably linked to the Ness Castle/Ness-side allocations, it should be considered in this context and resolved through the development brief, in consultation with the community.

19.2.12 Mr MacRae's land is intended to be included in the Expansion Area. A repeat "36(iv)" notation would help to clarify this.

Conclusions

19.2.13 As regards the Community Council's objection, PAN 47: Community Councils and Planning states that Community Councils' local knowledge will make them key stakeholders in local planning policy, and that the Government would like to see local communities closely involved in plan preparation.

19.2.14 Policy 2:36 stipulates that development in all Expansion Areas will be subject to an agreed development brief, to be prepared in consultation with the public, agencies, and others with an interest. It is impractical for a wide-ranging policy to list all prospective consultees, but the extent of consultation described is sufficiently widely drawn to encompass Community Councils. Policy 2:36(iv) identifies the development principles that are to be fleshed out in a development brief/master plan for Ness Castle/Ness-side. Holm Community Council has signalled its intention of taking the opportunity to comment further, when more details are known.

19.2.15 Policy 2:36 seeks to secure land for community facilities in Expansion Areas. Policy 2:36(iv), as proposed to be modified, makes widening Dores Road, and the extension of trunk utility mains, a requirement for development at Ness Castle and Milton of Ness-side; and development at Ness-side dependent on an extension of the trunk water and drainage main.

19.2.16 Scottish Water did not object to the local plan proposals for this Expansion Area within the relevant advertisement periods. However, it commented in its letter of December 2003 (CD43/240) that there would be significant problems in connecting foul drainage to the public sewer; that computer modelling was highlighting potential flooding problems at Dores Road/Island Bank Road; and that, while a technical solution was possible, this would require further investigation. SW does not suggest what such a solution might involve, or whether this is encompassed by the wording of Policy 2:36(iv) as it now stands. However, THC is clearly aware of the need for major off-site upgrading of infrastructure, including drainage, and is engaged in discussions on this topic. It would be prudent, before post-inquiry modifications are published, to verify that the terms of the DDMILP policy reflects the latest available assessment of this issue.

19.2.17 The Richard Tyser Trustees clearly have an interest in development at Ness-side and would thus be consulted on preparation of the development brief. If my recommendations regarding developer contributions and affordable housing are accepted, I see no need for further changes to the plan in response to this objection.

19.2.18 Turning to the objections by Mr Riggs and Tulloch Gray, the plan indicates that the council intends a development brief for the Expansion Area as a whole. This would be sensible, as the various parts are inter-related. My recommendations regarding the SDR and

the Ness-side District Centre, if accepted, would clarify the line of the road to the south of the river, and the boundaries of the District Centre, and it is desirable for a least a draft brief to be published as soon as possible. However, as the timing of the adoption of the local plan cannot be predicted at this stage, it would be unwise for the plan to commit the council to publishing a draft brief before the plan is adopted.

19.2.19 Policy 2:36(iv)(b) in the DDMILP adequately conveys the planning authority's attitude regarding the uses likely to be regarded as suitable at Milton of Ness-side. These are generally in line with the objector's view.

19.2.20 The croft at 2 Ness-side is located within the area defined by the bend in the River Ness and Dores Road. It would be logical to include it in the proposed Expansion Area, but to leave the disposition of individual uses within that area to be defined in the forthcoming development brief, in the context of the Ness-side site as a whole.

Recommendations

I recommend that:

- (1) the modifications to Policy 2:36(iv)(b) proposed by the Council, and included in the DDMILP, are accepted, subject to verification that the terms of this policy reflect the latest available assessment of infrastructure issues.
- (2) the City of Inverness West Inset Proposals Map at Ness-side is amended to include the croft at 2 Ness-side in the Expansion Area at Ness-side, and with a Policy 2:36(iv) notation.

20. DIRIEBUGHT DEPOT

Objector: Crown Community Council (265)

Procedure: Public local inquiry

Synopsis of objection

20.1 The plan should include community use as a future use for this site.

Factual background

20.2 Diriebught Depot is a THC road depot on the west side of Diriebught Road in a largely residential area of Millburn. Policy 2:85 of the DDILP allocates the site for mixed housing, business, institutional, or prestigious office/business use, subject to relocation of the depot.

20.3 In response to the objection, THC proposed a modification (to a renumbered policy, Policy 2:87 in the DDMILP) inserting “*and community*” after “*office/business*”.

Brief summary of the main points raised by the objector

20.4 The Community Council is content that the proposed modification satisfies its objection. This was prompted by its wish that the local plan did not lose sight of the provision of community facilities as part of an integrated mixed use development. However, traffic management will also be crucial here.

Brief summary of the Council’s response to the objection

20.5 The proposed modification adequately addresses the objector’s concerns. The depot is not currently surplus to the Council’s requirements, and is not being actively promoted as a development opportunity. Redevelopment of the site would therefore depend on an approach from a developer, who would require to meet the cost of relocating the depot. If it did become surplus, THC would market the site, and prepare a development brief. Traffic implications would be assessed in the context of any application that was made.

Conclusions

20.6 The depot is located in a predominantly residential area, and is easily accessible to the surrounding community. It would be desirable to include an element of community use in any future redevelopment of the site. Traffic implications could only be properly assessed in the context of a specific application.

Recommendation

20.7 I recommend that the proposed modification to the policy for the depot is accepted.

21. MILTON OF LEYS (POLICY 2:79)

Objectors: Culcabock and Drakies Community Council (117) and Tulloch Homes (264)

Procedure: Written submissions

Synopsis of objections

21.1 Culcabock and Drakies Community Council questions the omission in Policy 2:79 of a reference to a new primary school at Inshes, and wishes development at Milton of Leys to cease until the school is built and proper infrastructure in place. Tulloch Homes regards a 30 m shelter belt on the western boundary of the Milton of Leys site as excessive.

Factual background

21.2 Policy 2:79 of the DDILP states that 57 ha of land at Milton of Leys has been given outline planning permission for 900 houses and that capacity is limited to 600 dwellings pending a distributor road link to the SDR, phasing south-west to north-east, amenity/open space, protection for badgers, and a 30 m shelter belt on the western boundary of the site.

Brief summary of the main points raised by the objectors

21.3 In addition to the synopses reported above:

Culcabock and Drakies Community Council

21.4 The Community Council questions whether it is realistic to build a new school at Inshes by 2003/04, regards 2005-2009 as more realistic, and considers that all further developments in Drakies School catchment should be curtailed until Inshes School has been opened.

Tulloch Homes

21.5 The width of the shelter belt at this site should not be required to be 30 m, but should be subject to agreement as phased development proceeds.

Brief summary of the Council's responses to the objections

21.6 Provision is made for a new school at Inshes by 2004/05. This will require planning permission by the end of 2003 and a site start by mid 2004. THC intends to give the project priority as part of a PPP contract. That said, the roll at Drakies School is high, and there is spare capacity at other schools in the vicinity. It is for the Council as education authority to take any necessary steps to accommodate pupils arising from development at Inshes to appropriate locations.

21.7 The 30 m shelter belt is a condition of planning permission. Exposure and amenity factors indicate this should be reinforced.

Conclusions

21.8 The Inshes and Milton of Leys Development Brief (THC-11/3) of January 2004 post-dates the Council's response to the objections. It continues to refer to 2004/05 as the timescale for the school, with a site start expected in mid-2004, and completion by the start of the 2005 academic year. However, the committee report dated February 2004 regarding the outline planning application for the school (produced by KPG, 65/13) suggests that a site start in mid-2004 may well be optimistic, given the need to notify the application to the SE, to submit reserved matters for approval if outline permission is granted, and infrastructural considerations.

21.9 That said, Policy 2:79 (Policy 2:80 in the DDMILP) relates to Milton of Leys, and appears to recount the terms of the planning permission that has been granted there. The new primary school to which the Community Council's objection relates is to be built at Inshes, and paragraph 2.22 of the plan states this project will be given priority. Given that planning permission exists at Milton of Leys, it is not open to the local plan to require development there to cease pending the provision of a school at Inshes.

21.10 As far as the Tulloch Homes objection is concerned, Policy 2:79 appears to reflect the terms of the planning permission that has been granted at this location. On this basis, a reference to a planning requirement for a 30 m shelterbelt confirms a matter of fact.

Recommendation

21.11 The local plan should not be changed in response to these objections.

22. HOUSING LAND SUPPLY IN THE LOCAL PLAN AREA AND THE COUNCIL'S POLICY APPROACH TO GREEN WEDGES AROUND INVERNESS

Objectors who raise housing land supply as a numerical issue include: Mr D Mackenzie (37), Robertson Residential (107), Deveron Homes (102), MacRae Homes (189 & 217), Crofters Commission on behalf of the Scottish Executive (95), Mr & Mrs Matheson (96), Mr D C Munro (209), and William Gray Construction Ltd (75) - in relation to Balloch.

Background and policy context

National planning policy guidance and best practice advice

SPP 3: Planning for Housing

22.1 SPP 3 identifies the following key themes for the planning system in relation to housing:

- to create quality residential environments;
- to guide new housing developments to the right places; and
- to deliver housing land.

It states that patterns of development should seek to reduce the demand for travel and reliance on the private car, and help to reduce general energy consumption; and that access to jobs and facilities should be carefully considered and preference given to locations which can be well integrated with existing and proposed public transport, walking and cycling networks. SPP 3 also explains that SE policy encourages more diverse, attractive, mixed residential communities, in terms of tenure and land use, with a range of housing types providing for all sectors of the community, and all segments of the market.

22.2 The need to release greenfield land next to built-up areas, where brownfield and infill sites cannot meet the full range of housing requirements, is recognised. SPP 3 also states that meeting housing requirements through extensions to towns and villages has a number of advantages. These include reduced servicing costs, and helping to sustain local shops, schools and services in smaller settlements. Paragraph 45 explains that such extensions need careful planning; that the landscape setting of existing towns and villages must be respected; that care should be taken to design new development to respect the scale of existing building in the area; and that attention should be given not only to the visual impact within a village or town, but also its appearance from outside, for example from major roads, public transport routes, or other vantage points. Development plans are thus expected to specify how the character and setting of a settlement is to be protected; to guide new development to suitable sites; and, in some cases provide for the phased release of land.

22.3 Development plans are confirmed as the main vehicle for assessing future housing land requirements and for ensuring these are provided in full for each housing market area. Paragraph 60 states that structure plans should set out a strategy for the location of new

housing for at least 12 years, and preferably 20 years, setting out the scale of provision required up to year 12, and how and where this is to be met; and that the local plan should convert this into effective site-specific allocations. Paragraph 64 states that local plans must conform to the structure plan, provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption, and identify further sites to meet requirements in the medium term. The effectiveness and programming of sites are to be monitored through the annual housing land audit (HLA), to maintain sufficient effective land for at least the following 5 years at all times. Planning authorities are advised to seek the views of house builders through Homes for Scotland, and small builders where relevant, to inform their consideration of the effectiveness of the supply.

22.4 The SPP Glossary defines the effective housing land supply as “The part of the established supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing”. The established housing land supply is the total supply, including constrained, and unconstrained, sites. It includes the effective supply, plus the remaining capacity of sites under construction; sites with planning consent; sites in adopted local plans; and other land and buildings with agreed potential for housing development.

Reporter’s note: Affordable housing and housing in the countryside, which are also addressed in SPP 3, and in the HSP, are considered in Chapters 4.5 and Chapter 28.

PAN 38 (Revised 2003): Housing Land

22.5 PAN 38 sets out the criteria for determining the effectiveness of land:

- **Ownership:** the site is in the ownership of a party who can be expected to develop it or to release it for development;
- **Physical:** the site or relevant part of it is free from problems of slope, aspect, flood risk, ground stability difficulties or vehicular access which would preclude its development;
- **Contamination:** previous use has not resulted in contamination or can be remedied;
- **Deficit Funding:** any public funding required to make residential development economically viable is committed by the public bodies concerned;
- **Marketability:** the whole site, or a relevant part of it, can be developed to provide marketable housing;
- **Infrastructure:** the site is free of constraints or can be realistically provided with services; and
- **Land Use:** housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses, other factors such as ownership and marketability point to housing becoming a realistic option.

The Highland Structure Plan

22.6 The HSP was prepared and approved in the context of NPPG 3: Land for Housing, now superseded by SPP 3, and the 1996 version of PAN 38: Structure Plans: Housing Land Requirements. Paragraph 2.2.3 of the structure plan states that the Council will ensure that an adequate supply of effective housing land is identified at all times in order to meet the needs of local communities, and individuals. It continues “To provide a

choice of sites and to take account of unmet housing demand at the start of the plan period, requires not only provision for new households, but also an allowance for ineffective stock and for flexibility. To allow for some uncertainty over the plan period and potential fluctuations in the housing market, the flexibility element in Inverness is 15% of projected households plus the non-effective stock in Inverness, and 25% elsewhere There is thus an overall requirement for sites for a maximum additional 26,200 new houses (i.e. for the period 1998-2017). Of these, sites for 13,600 houses require to be allocated in the period 1998-2007". The HSP aims to steer demand to appropriate locations within existing settlements, with the main allocations directed towards Inverness, reflecting demand. At local plan level, it requires detailed allocations to take account of the criteria in Strategic Policy G2, and information on need in Area Housing Action Plans.

22.7 Policy H1: Housing allocations for Areas 1998-2017 states:

"Provision will be made in local plans for a supply of land in accordance with the figures below. Account will be taken of existing land allocations and infrastructure capacities. Within a year of approval of this Plan, the Council will complete the preparation of a strategy map and commentary for the future distribution of housing land in the Inner Moray Firth, including Inverness. The Council will publicise and consult on its work and publish the final report".

The figures for the Inverness Area are:

1998-2007	2007-2017 (indicative)	1998-2017
4,700	4,400	9,100

The Policy H1 Areas are stated to be consistent with local plan boundaries, and individually or in combination coterminous with housing market areas (HMAs) in Highland.

22.8 Paragraph 2.2.6 states that adequate effective land is required to meet the allocations. The initial assessment of the adequacy of the supply in Inverness (in Figure 8) is that there is a need for early infrastructure investment to maintain a 5 year supply and that, in the short term, programming of funds for Phases 3 and 4 of the SDR is crucial, together with water and drainage works. Figure 8 also refers to the need for the review Inverness Local Plan to explore the identification of suitable land to meet housing demand for longer term needs, stating that *"The A96 corridor provides an option of linking new housing development to business opportunities associated with the airport and rail link to Inverness and Nairn"*. Policy H2 (in summary) supports proposals for new housing settlements to meet future housing demand in the IMF.

22.9 Policy H7: Housing for Varying Needs states:

"The Council will encourage the provision of a range of house types, particularly Lifetime Homes, of the appropriate scale, type and location throughout the Council area. Local plans will identify suitable sites to meet the requirements for specific housing needs and, where there is a clearly demonstrated need, will aim to secure a proportion of suitable housing through negotiation, section 75 agreements, or other appropriate mechanisms".

The Inner Moray Firth Housing Strategy

22.10 The Inner Moray Firth Housing Strategy (IMFHS, CD2), covers a larger area than the local plan, including Nairn, Easter Ross and the Black Isle. It also updates the baseline housing figures to 2001, and apportions these to each local plan area. It states that, in Inverness, the SDR has helped provide adequate housing land for a 5 year period and beyond, and that the local plan addresses requirements in the medium and longer term. Of 10 strategic sites in Inverness (the 6 Expansion areas, and 4 “consolidation” sites, each for 100 or more houses) with an overall capacity for 5,325 houses, 8 are expected to be developed during the local plan period. Ness-side and Charleston are reserved for the medium or longer term, because they are seen as depending on completion of the SDR. Mixed-use Action Areas are also expected to absorb some housing demand.

The deposit draft local plan

22.11 The DDILP states that about 4,500 new houses, requiring a 300-350 ha landtake, are projected over the local plan period; and that there is capacity for over 4,000 houses around the southern periphery of the City. It includes an indicative plan “Inner Moray Firth Housing Strategy Housing Allocations 2001-2017” showing the 10 IMFHS strategic sites for a total of 5,512 units (4,227 on the 8 plan period sites, and 1,285 on the medium/long term sites), and sites for 1,871 units on smaller allocations in the plan area. The following summary table Land for Housing is also included:

	Forecasted Need	Allocated land (ha)		Brownfield (ha) housing/mixed use
		2001-2011	Constrained/later	
CITY	3,600-3,800	235	215	73
HINTERLAND	440-680	65	-	2
RDA	170-220	40	-	1
TOTAL	4,210-4,500	340	215	76

22.12 The local plan does not have a sectoral Housing Chapter. It quotes the sizes of the 6 Expansion Areas, but does not indicate the house numbers expected. House numbers are also not given for the 7 Action Areas, some of which are expected to include housing; or for other sites allocated for housing, under the heading Districts and Neighbourhoods, except where planning permission has been granted.

The Consultation Draft Inverness Area Housing Land Audit 2003 and the Council's Position Statement and Explanatory Note on Housing Land

22.13 The Position Statement (CD46, the Explanatory Note is reproduced overleaf for ease of reference) states that HSP Policy H1, rolled forward to 2001, requires the local plan to identify land capable of accommodating up to 4,600 houses in the period to 2011. The Statement draws on figures from the consultation draft HLA 2003 (THC-1/5), which lists sites

as “committed” (i.e. with planning permission, including sites under construction) and as DDMLP allocations, without planning permission, to produce the following information:

Inverness Area Housing Land: Total Supply 2003

	City	Hinterland	A96 Cor.	RDArea	Total
committed	2,048	61	-	20	2,129
Local plan allocations	4,783	789	8	264	5,844
Total	6,831	850	8	284	7,973

22.14 The HLA also includes an indicative phasing programme for allocated sites, for each of the years 2004-2008, and from 2009 onwards, and identifies requirements (such as infrastructure) that need to be met at some sites before the site concerned is completed, and, in some cases, commenced. The Position Statement uses the HLA figures to identify land considered to be capable of development in the short-term (i.e. within 5 years); and land expected to be developed in the medium-term (i.e. beyond 5 years) as follows:

Consultation draft Inverness Area HLA 2003: Phasing of local plan allocated sites

	City	Hinterland	A96 Cor.	RDA	total
Short term	2,933	546	8	214	3,701
medium- term+	1,850	243		50	2,143
Total	4,783	789	8	264	5,844

22.15 The Council states it regards 5,830 house sites (2,192 + 3,701) as effective, and capable of providing choice for the short-term. It explains that it reduced allocations in the Landward area after the SE stated (THC-13/1) that the allocations in the CDLP should be “brought into line with the Structure Plan” and is confident this will be achieved. Infrastructure constraints regulate the release of the major Expansion Areas that provide long-term provision and the land stock in Inverness includes several entire urban neighbourhoods that are unlikely to be fully developed by 2011. About 80%-85% of housebuilding in the local plan area is expected to take place in Inverness. The Council is also satisfied that the City’s land supply will fully meet the expectation in SPP 3 of a 5-year supply at any time i.e. through and beyond the plan period, with 5 years supply in hand at 2011. Allocated land alone in or adjoining the City has capacity for 4,700 houses. The long-term strategy for the City has provided a statutory basis for housing land and infrastructure for over 20 years, and includes safeguards for the city’s setting and a structure of green wedges, integral to the urban area.

22.16 The Statement acknowledges that what the Council regards as the “effective” supply of 607 house sites in the Hinterland (61 committed sites, plus 546 short-term sites) is more balanced, relative to a future calculated need of 440-680 houses. It also explains that Policy 6:2 seeks to ensure that settlements in the Hinterland do not generally expand by more than 25% in any 10 year period. This policy of restraint also applies to “Countryside” in the Hinterland, where scope for 106 houses (included in the above figures) together with further limited, but unquantified, “rounding-off” is intended to allow for further growth if appropriate, including beyond 2011. Such restraint would enable up to 625 additional houses to be built overall in the Hinterland to 2011. It does not apply in the RDA, which contains the more remote and fragile communities, and where positive action is encouraged to ensure essential infrastructure is upgraded, consistent with the strategic objectives of the HSP.

22.17 The Explanatory Note summarises the Council's view of the HSP housing land requirement that the local plan needs to address for the periods 2004-2007 and 2007-2011. It identifies these as 1,892 and 1,762 house sites respectively, compared with a programmed supply of 2,075 and 2,365 sites for these periods, excluding committed sites.

Brief summary of the main issues raised by objectors regarding housing land supply

Robertson Residential (107)

22.18 The DDILP fails to conform to the HSP, and in particular to the modifications made by Scottish Ministers, who required the IMFHS because they considered that the public should have a clearer idea regarding future housing development around Inverness. It is impossible to tell from the local plan what and where the housing land allocations are, and whether they can deliver HSP requirements timeously. The previous absence of an HLA compounded the problem of ensuring a minimum 5 year land supply. In its original objection, Robertson stated that its land at Craig Dunain, Craig Phadrig and Charleston should be included in the pre-2007 supply. In its further written submission for the inquiry, it stated that the programming in the draft HLA should be amended to relate to the Westercraigs Masterplan, and show a start date of 2007 for the Charleston site (INLP32).

Deveron Homes (102) and MacRae Homes (189 & 217)

22.19 SPP 3 and the HSP both require an effective 5 year land supply to be maintained at all times. The Council accepts this means that there must be at least a 5 year effective supply during, and at the end of, the plan period. The Position Statement explains that the local plan identifies housing land for a 10 year period to 2011. By the time the plan is adopted, this period will have been reduced by 50%. Almost two-thirds of the 4,000 house sites around the southern periphery of the City that THC regards as "at least 10 years building capacity" is currently non-effective –including 1,200 at Ness Castle/Ness-side, 600 at Charleston and 50 at Torvean. Only 100 houses can proceed at Firthview-Woodside until the A96 is improved. There is no SE funding for this, and the timing of developer contributions is uncertain.

22.20 All the Expansion Areas rely heavily on investment in infrastructure, a considerable proportion of which depends on developer contributions. However, despite the requirements of paragraph 64 of SPP 3, the plan gives no indication of phasing, potential development dates, or the number of units that each site is capable of delivering, and it is uncertain when development constraints will be removed. Access issues mean that Ness Castle/Ness-side will not meet the 2004 start date in the HLA. In common with Charleston and Torvean, it also requires the route of Phase V of the SDR, including a new canal crossing, to be resolved soon if it is to be released in time to meet structure plan requirements. Discussions on this project are only at a very early stage.

22.21 Deveron Homes makes the following additional points: In a plan-led system, housing land ought to be allocated in a local plan in order to maintain an effective supply. It is therefore imperative that sites are genuinely effective. The Position Statement Explanatory Note attempts to alter the HSP housing land requirements, namely 4,400 and 4,700 units, which have an inbuilt 15% for flexibility. This allowance cannot be taken out, and added back later. The "outstanding requirement" for the period 2004-2007 is therefore not 1,892 units, but 2,258 units (4,700-2,442 completions), compared with the 2,075 units shown in Table 3. Accordingly, the local plan does not identify enough land to meet needs to 2007.

The equivalent figure for the 4 year period 2007-2011 (applying a *pro rata* annual requirement of 440 units) is 1,760, not 1,532. The local plan ought therefore to be allocating land for 4,018 units, not 3,654. The 1,404 units shown as remaining at the end of the plan period also falls short of the 2,200 units required to maintain a 5 year supply to 2016. The position is worse if the 4,700 units were meant to be in addition to the 1998 effective supply as paragraph 2.2.3 of the HSP could be read to suggest, as any completions from the 1998 effective supply would have to be discounted.

22.22 Doubts regarding effectiveness and deliverability mean that, in practice, this failure will occur earlier than Table 3 predicts. THC considers the answer is to look at committed sites. However, the HLA does not include programming for these, 17 of the 31 sites listed had not begun in 2003, and some with permission for 2-3 years had not produced any houses.

Crofters Commission on behalf of the Scottish Executive (95)

22.23 The Position Statement does not explain how THC related the HSP requirements to the local plan period, or the nature or outcome of any consultations with housebuilders on the Consultation Draft HLA. In any event, the 5,844 house sites to which the Council refers include some land programmed beyond 2011. Assuming that pre-2009 completion rates continue, and considering major sites alone, sites for 1,221 houses will remain to be developed at the end of the local plan period. These will not provide “roofs over heads” within the timescale expected, and should be discounted. If Ness Castle slips by 2 years and Craig Dunain by 1-2 years, as seems likely, a further 260 house sites will slip beyond 2011. Charleston depends on a new canal crossing and is unlikely to produce the 100 houses per annum programmed from 2008. If it is delayed by 1-2 years, a further 200 units there will be left at the end of 2011. If these 1,681 sites are subtracted from THC’s figures, the “effective supply” will be only 4,163 units, thus falling short of meeting HSP requirements by about 500 units. The assumed completion rates on some larger sites also appear optimistic.

Mr D Mackenzie (37)

22.24 Housing land projection is not a precise science, particularly in the longer term. Land requirements also vary over time, in response to changes in population growth, household formation rates, and land availability, and housebuilding activity. Table 1 in the IMFHS indicates that 2,000 house sites were used up in the 3 years from 1998-2001, equivalent to 660 per annum. If this rate was to continue, sites for up to 6,600 houses would be required in the 10 year period 2001-2011. On this basis, a landtake of 300-350 ha leaves little room to accommodate contingencies, and variety in choice. It would also be prudent, in projecting allocations, to take account of reports of plans for 10,000 new houses along the A96 Corridor (37/3). In its early stages at least, this will impose demand on housing land throughout the eastern part of Inverness.

Points raised by other objectors relating to Inverness

22.25 Mr & Mrs Matheson (96) argue that there is a need for additional land in view of the recent uptake in housing land. Other objectors, including Mrs Rapson (131), Mr Hutcheson (134), and Tulloch Homes Ltd (127) argue that the local plan does not provide a wide enough choice of sites, particularly sites suitable for paddock type house plots. William Gray Construction Ltd (75) refers to failure to allocate adequate housing land at Balloch. Mr D C Munro (209) states that housing demand has increased since the HSP was approved in 2001.

Brief summary of the Council's response to the points raised by objectors

22.26 HSP land requirements will be met. The Policy H1 allocations include the 1998 base supply. Set against a past building rate of 380-400 houses per annum, and a future building requirement of 4,000 houses at Inverness, the 4,783 house sites on allocated land within or adjoining the City exceed 10 years supply. This excludes the 2,000 or so house sites on other "committed" land. The HLA (albeit not agreed with housebuilders) estimates that allocated land in the local plan area capable of development within 5 years can accommodate 3,700 units, and that land expected to be developed thereafter has capacity for a further 2,100 units. About 5,700 sites of the total City land supply (for 6,800 dwellings) can be developed in early course, equivalent to 14-15 years supply. The rapid rate of house completions between 1998-2001 was a short-term "blip" and relates to the Inverness area as a whole. The typical long-term "trend" is about 400 houses per annum.

22.27 Planning permission has been granted for Firthview/Woodside (THC-10/12). Now that the Council has agreed a development brief for Inshes/Milton of Leys (which has capacity for 1,120 units), it is content to grant planning permissions there. Culduthel-Slackbuie (which has capacity for 1,300 units in total) has outline planning permission, and 550 units have detailed permission. Up to 420 houses can proceed at Craig Dunain in advance of the SDR and a planning application has been submitted for Ness Castle. These 5 large allocated sites alone can accommodate 4,090 houses, of which the HLA shows 1,280 as "committed". Adding to these the 700 "committed" sites in Inverness outwith the allocations gives a land supply of 4,790 units, excluding the units at Charleston and Ness-side that depend on the SDR. The Council is not obliged to identify a 5 year supply beyond the local plan period at this stage, and would expect to identify post-2011 land through a local plan review. The HSP identifies the A96 Corridor as the preferred direction of growth after 2011, where a series of new communities and employment centres, major upgrading of the transport networks and a heritage of rural land uses and recreation will be combined.

22.28 Against this background, there is no justification for augmenting the land supply, particularly where this would undermine or jeopardise other objectives. The DDILP reaffirms the established long-term strategy for the City, carrying forward major allocations identified in the adopted plan, and updating the enabling policies necessary to implement the strategy. While the delivery of housing land on this basis should not – all things being equal – override a cogent case for land in other locations, a strategy has evolved and is being implemented on the basis of planning agreements to provide infrastructure in accordance with policy. In particular, construction of Phases III and IV of the SDR in 2002/03 has open up substantial land stocks around the periphery of the City. There should therefore be deference in principle to development in these allocated sites. This premise is predicated on the understanding that there is no prejudice to acceptable "windfall" sites, that a sufficient supply of land for housing is identified, and that the SE is seeking to curtail over provision of development land. It also reflects the view that the sites promoted in objections are located within Green Wedges, which are of strategic importance for other purposes.

The local plan's approach to Green Wedges around Inverness

Factual background

22.29 Policy 2:41 of the DDILP refers, under the heading AMENITY AREAS, to Green Wedges in the following terms:

The Council will safeguard and seek to open to public access, six major “Green Wedges” of strategic importance to the setting of the City. No development will be permitted within defined areas. These are:

- (i) LEACHKIN/CRAIG PHADRIG: comprising the Forest Enterprise Woodlands, designed landscape at Craig Dunain and croftland at Leachkin Brae. This is earmarked for Great Glen Way, other footpath improvements, landscape management and interpretation of the hill-fort;*
- (ii) TORVEAN/MUIRTOWN: the Canal towpath, esker which is an SSSI, and sports fields at lower Charleston linking the Bught/Ness Islands and through to Clachnaharry/the Firths. Reconfiguration of the golf course, extension of amenities at Whin Park, rehabilitation of the worked out quarry, community woodland, relocation of the Canal pitches and public/cycle access are priorities;*
- (iii) TORBRECK/KNOCKNAGAEL: the larger, productive farm units, historic landscape at Ness Castle and the connecting features at Lochardil Woods and Slacknamarnock. Wildlife conduits, restoring the Holm burn habitats together with riverside walks out into the east Loch Ness area are promoted;*
- (iv) BALLOAN/CASTLE HEATHER: the golf course, community park and “Inventory” gardens at Leys Castle. The strongest safeguards are needed for the Allt na Skiach and adjoining burn margins, a major new surface water interceptor and water storage facilities, and extension of the designed landscape could be encouraged.*
- (v) BEECHWOOD/A9: the small-holdings at Inshes, farmland to the A9, elevated forest blocks and historic landscape at Drumossie Muir. General Wades Military Road is a major recreational artery, a City “common” could be created at Beechwood and protection is required for the exceptional views from the B9006.*
- (vi) LONGMAN/A96: embracing the municipal landfill area together with agricultural units adjacent to the eastern approaches and through to Culloden. This is an opportunity to capitalise on the City’s seafront with a major links/country park/nature reserve overlooking the Natura 2000 habitats. Utility corridors are protected. These areas could embrace key features of the lowland landscapes of the Inner Moray Firth and a championship Golf Course; together with the elevated pastoral/afforested lands south of Culloden.*

The City of Inverness Inset Proposals Maps generally include “A”, Amenity, notations in these locations, indicating an intention of safeguarding them from development “not associated with their purpose and function.”

22.30 Policy 2:42 COMMUNITY TRUST states:

The council intends to pursue a major initiative involving the establishment of a Community Trust to secure the above Green Wedges in the public interest. Further to discussions with partner agencies INE, SNH and Forest Enterprise, it is proposed to establish a Steering Group and commission consultants to advise on the mechanism for securing community ownership and management of land, related sources of funding and the formation of a Trust.

22.31 Paragraph 1.44 of the plan refers to a network of “green” wedges linked laterally around Inverness, and penetrating through the urban structure to ensure safe pleasant neighbourhoods and increase biodiversity. It comments that these open lands need to be secured under a public Trust as farms retract, and that public access, recreation and community heritage schemes should be developed as part of a “Countryside Around Towns” project, ensuring green “corridors” and helping to integrate wildlife and archaeology. Paragraph 2.6 states that major “green wedges” prevent coalescence of the built-up area, and will provide for recreation and public access, wildlife and landscape enhancement; together with amenity “buffers” and natural outlets for flood water. *“An innovative mechanism is required to secure such assets in public custody. Management of land released from its present use together with a long term strategy for “greening” the City could be taken forward under the auspices of a Community Trust”.*

22.32 The adopted ICALP refers to Green Wedges, as *“substantial tracts of open land to be maintained in perpetuity, which interlock between existing and proposed development areas”*. Paragraph 1.4.12 commits the council to protecting and, where appropriate, enhancing the 6 major green wedges identified at paragraph 22.29 above.

The Council’s account of its intentions for funding and management arrangements in Green Wedges

22.33 The Council explains that the Inverness City Partnership was formed and a Strategic Agenda developed following the award of City status in 2000. This Agenda is now incorporated into the City-Vision which proposes a Green Spaces Trust to take on responsibility for managing the transition of farms and other landholdings into a coherent network of community open spaces/woodlands, wildlife corridors and footpaths/bridleways around the City’s fringes, which will link with and complement the riverside and Ness Islands.

22.34 One of the short-term priorities identified in the Growth Fund programme is the establishment of a Green Spaces Trust, to assemble, enhance and manage the City’s green buffers, wedges and rural setting. A sum of £100,000 has been allocated in the period up to 2006 to initiate this. Consultants recommended that all key stakeholders and local community representatives should form an organisation to co-ordinate policy for green spaces; mechanisms for sustainable management and long term maintenance, including the formation of a Greenspace Partnership; the appointment of a facilitator; and an audit of/demand for greenspace in the City. In February 2004, the City Partnership (which now has an additional £14,000 at its disposal) agreed to establish a Greenspace Partnership, and to appoint a Project Officer.

Conclusions

22.35 As SPP 3 confirms, the provisions of section 17(3) of the Town and Country Planning (Scotland) Act 1997 mean that, in order to be adopted, the local plan must conform to the approved HSP. Local plans should also accord with national guidance.

22.36 Current national planning policy guidance and best practice advice regarding the provision of housing land is contained in SPP 3 and in the 2003 version of PAN 38. The HSP was prepared, and approved, in the context of NPPG 3 and the 1996 version of PAN 38. However, these earlier documents also required local plans to provide a 5 year effective land supply at all times. It has also been national policy, at least since 1996, for local plans to convert structure plan requirements into effective site-specific allocations, and to provide for range and choice in housing opportunities.

22.37 The housing land allocations that local plans are required to make in order to conform to the HSP are set out in Policy H1, on an Area basis. These allocations, which represent maximum figures are directed at ensuring that an adequate supply of effective housing land is available at all times in order to meet identified needs and requirements.

22.38 The Policy H1 Areas, for practical purposes, equate to local plan areas. On this basis, the first tranche allocation for the Inverness Local Plan area is land to accommodate up to 4,700 houses in the period 1998-2007. The second tranche allocation, which is indicative, is land for 4,400 houses and covers the period 2007-2017. HSP Policy MR2 envisages that, by that time, the structure plan will have been reviewed.

22.39 The allocations that are required to be made include a “flexibility element”, to provide for a choice of sites, and to take account of unmet housing demand at the start of the plan period, and of non-effective stock, such as vacant or holiday homes. To allow for some uncertainty over the plan period and potential fluctuations in the housing market, this is set, in the Inverness Area, at 15% of the projected households plus the non-effective stock. The Policy H1 figure for Highland as a whole, which includes this inbuilt flexibility, is then described as an overall requirement. I find no support in paragraph 2.2.3 for the suggestion that the allocations may be intended to be additional to the 1998 effective supply.

22.40 The HSP does not disaggregate housing land requirements below Area level. However, THC’s expectation that 80-85% of housebuilding in the plan period will take place in Inverness (including Culloden) is consistent with the City’s position as a regional centre, at the head of the settlement hierarchy in Highland.

22.41 As stated above, the HSP makes clear that an adequate supply of effective land is required at all times. Figure 8 appears to equate this with a 5 year supply. It also identifies the need for early infrastructure investment in Inverness to maintain a 5 year effective supply, specifically in Phases III and IV of the SDR, and certain water and drainage works. Phases III and IV have now been built and a new trunk sewer to serve land in the south of the city is in place. However, the structure plan also identifies a Tomnahurich canal crossing as a priority. Paragraph 6.74 *ibid* confirms that THC does not expect this to be built earlier than towards the end of the local plan period.

22.42 As the DDILP and the DDMILP do not indicate the estimated capacity of Expansion Areas or of some other sites, it is difficult to ascertain the Council's view of the composition of the housing land supply, and its expected output, in relation to HSP requirements. This ought to be rectified. As the IMFHS covers a larger area than the local plan, and does not allocate sites, including a "draft map" apparently associated with the Strategy in the plan, but without a commentary, is not of much assistance.

22.43 That said, given the physical extent of the Expansion Areas, the SE's concern at CDLP stage regarding over-allocation is understandable, particularly as the Policy H1 allocations are maximum figures.

22.44 The reviewed allocations still appear generous. However, these include large sites, essentially Expansion Areas, that are not expected to be fully developed within the local plan period, but which do not lend themselves to subdivision. Several of these sites also appear in the adopted local plan and ongoing investment in infrastructure by the Council and developers over the years has proceeded on the basis that these areas will be released. I conclude that it would be undesirable in principle to disturb this established overall strategy at this stage without compelling reasons. No party argues that the strategy as a whole is ill-founded. The main issues raised by objectors are whether THC's expectations regarding programming are realistic; that development should be delayed at some locations until an overall strategy or suitable infrastructure is in place; and that the scale of development at certain locations is excessive. In the latter 2 respects, I adopt my conclusions regarding the Charleston Expansion Area, in Chapter 10.3, Westhill, in Chapter 19.1, and Ness Castle/Ness-side in Chapter 19.2. The effect of these recommendations is that, subject to some modifications, these areas would be retained. Inshes and Culduthel-Slackbuie are not the subject of objections with a bearing on the principle of development there.

22.45 The Policy H1 allocations cover two 10 year periods, neither of which coincides with the local plan period. Matters have also moved on from the 1998 base date. Adjustments have therefore to be made in order to determine what this local plan needs to do in order to achieve conformity with the HSP. As the purpose of the allocations is to meet identified needs, it is logical to set house completions since 1998 against the allocations required for the period to 2007. It is also logical, as the council's Explanatory Note has done, to relate the proportion of the second stage strategic requirement that ought to be met in the period to 2011 on a *pro rata* basis equivalent to a completion rate of 440 houses per annum. The higher completion rate reported at 22.25 appears to have been a short-term blip. It also does not reflect the HSP requirement, which relates to identified needs. On these bases, to achieve 4,700 units for the period 1998-2007, the requirement for 2004-2007 must be sites for 2,258 houses. The *pro rata* indicative requirement for 2007-2011 is sites for 1,760 houses.

22.46 The only HLA available to the inquiry, a consultative draft for 2003, acknowledges that its programming figures are indicative and are likely to vary from the projected rates. It has not been agreed with housebuilders, whom PAN 38 states should be closely involved in this process, and THC does not suggest that any discussions have taken place. These factors in particular mean that its figures could change.

22.47 The output of 2,075 houses to 2007 programmed from the allocated sites included in the second section of the Audit falls short of the 2,258 house sites required. However, these allocated sites exclude the 2,129 houses that remain to be built on the sites that already have planning permission and are listed in the first section of the Audit. About 2,100 of these

house sites are on land that is allocated in the local plan, or is the subject of a local plan housing proposal. This land is over and above the sites listed in the second section of the Audit. Taken together, these two categories amount to about 4,175 house sites. However, development at Firthview-Woodside, where the Audit shows 550 houses as “committed”, is limited to 100 houses until off-site road improvements are completed. Funding for some of these is uncertain, and it is unclear when this is likely to be put in place. Deducting 450 units would reduce the supply to 3,725. Some allocated sites in the Hinterland are the subject of objection, and also cannot be relied on at this stage. In addition, some permissions may not be taken up. However, I have no evidence that any such failure would be due to constraints that are incapable of being resolved in time to make these sites effective by 2007.

22.48 Acceptance of my recommendations regarding the approach to developer contributions (see Chapter 4.3) could help to avoid some of the delays that housebuilders claim this issue has caused. However, there will inevitably be slippage in the programming assumed in the Audit. There is no prospect that Ness Castle, Ness-side, or Craig Dunain, will produce houses before 2005. The scale and range of issues to be addressed at Ness Castle make 2006 a more likely date there. Ness-side’s integral relationship with Phase V of the SDR mean that housing development will not begin until the road has been designed, and funding has been committed.

22.49 I agree with Robertson Residential that a 2007 start date for the Craig Phadrig component of the Westercraigs development is realistic. Craig Dunain is also unlikely to produce any houses before 2007. If both sites produced houses from 2008, and the annual output of 60 houses at Ness Castle/Ness-side by the end of 2007 is attributed to Ness Castle, slippage at these sites would delay the delivery of about 400 house sites until after 2007. Discounting the prospect of contributions from Torvean in this period, which also depends on Phase V of the SDR, would increase this figure to 410 units, and reduce the total programmed supply to just over 3,300. However, even if there was no output from the Hinterland or the RDA, which is inconceivable, there would still be land for over 2,700 houses for the period to 2007.

22.50 The 2,365 house sites that the Explanatory Note lists as programmed for the second half of the local plan period, to 2011, appear to be based on the assumption that the annual output will continue at the pre-2009 programmed level. This cannot be guaranteed, and the estimated output rate may be optimistic as one objector claims. It is also possible that Ness-side, the greenfield component at Charleston, Torvean, and the Rail Yard/College may not make a significant contribution by 2011. Assuming that these do not become effective and produce houses until say 2010, the HSP requirement would still be met. Taking a more pessimistic view, and discounting them altogether, would leave the figure just below the indicative maximum figure of 1,760 sites in Policy H1. However, it would be surprising if some additional land had not emerged by this stage. In addition, the land that would remain undeveloped on large sites alone would provide a good foundation for providing an on-going 5 year land supply.

22.51 The 10,000 houses reported to be planned along the A96 corridor relate to the Masterplan that THC has commissioned to inform the identification of land to meet longer term needs, beyond 2011. These do not alter the HSP requirement for the period to 2011.

22.52 Drawing these matters together, I conclude that, setting aside for the present the local plan sites that are the subject of objection (which I have still to consider) the housing

allocations proposed in the DDILP should allow strategic housing land requirements to be met in numerical terms. While the pre-2007 land supply appears generous, its ability to produce houses is unlikely to meet the expectations of the draft Audit, particularly in terms of timing. However, housing land supply is dynamic, and it is unrealistic to expect to match strategic housing land requirements exactly at all times. On the evidence, I conclude that it would be unwise to further reduce the allocations, in an effort to achieve, on paper, a closer numerical match with HSP requirements. There is, in any event, no objection to the DDILP that this should be done.

22.53 On the basis of the above, there is no need to allocate additional land in order to meet structure plan housing land requirements in numerical terms. However, housing land supply has qualitative as well as quantitative parameters. Most of the sites that objectors wish to be allocated are in, or are purported to be in, Green Wedges, where the plan intends no development to be permitted. Green Wedges, although not mentioned in the HSP, are a long-standing feature of local plan policy around the periphery of Inverness. Objections have nevertheless to be considered on their merits. Green Wedge boundaries cannot be presumed to be inviolate at this stage, and site specific or other sound planning reasons could justify allocating particular sites and outweigh any disadvantages of allocation. These reasons could include providing range and choice, including for affordable housing, and housing for varying needs; establishing a better urban boundary; or securing other benefits that are unlikely to be achieved by other means. Providing for range and choice in terms of house types, sites and locations, means that some allocations should also be made at locations outwith Inverness.

Recommendation

22.54 At this stage, I recommend that the plan brings together at some point all the housing allocations that it makes, including mixed-use sites with a significant housing component; presents these clearly with indicative capacities, ideally in the form of a table; and relates them to HSP requirements, so that this relationship is transparent.

23.1 SITE AT LEACHKIN ROAD/LEACHKIN BRAE

Objectors: The Bickley Family (12), Mr J Innes (121), Mr B Keddle & Ms C Hearn (113), Mr W A MacDonald (157), Mr P MacDonald (164), Mr F Mackenzie (175), Mr & Mrs MacQueen (188), MacRae Homes Ltd (189 & 217)*, Mr & Mrs Patterson & Family (216), the Rudkin Family (236), Mr R Soutar (248)

Procedure: *Public Inquiry and written submissions

Factual background and synopsis of objections

23.1.1 These objections relate to a field rising up from the rear of houses at Leachkin Road towards Leachkin Brae. Policy 4.1.3(d) of the ICALP allocates the eastern part of the field (stated to be 2.6 ha) with a capacity for 45 houses. However, the Proposals Map indicates an area of about 2.1 ha. The remainder of the field is shown safeguarded from development as locally important agricultural land and in order to preserve the settlement edge and its setting.

23.1.2 Policy 2:47(iii) of the DDILP also allocates 2.6 ha for housing at this location, describing this as the limits of development. However, the policy notation in the City of Inverness West District Proposals Map encompasses only the easternmost 1.3 ha of the field. The remainder is covered by an “A” designation, and appears to lie within the Leachkin/Craig Phadrig Green Wedge.

23.1.3 The substance of the MacRae Homes objections, and the associated objection from Mr W A MacDonald, are that the DDILP should carry forward the 2.6 ha allocation in the adopted plan, and that the remainder of the field, which is about 3 ha, should also be allocated for housing. This additional area is bounded to the west by a hedge and ditch. There is an informal pedestrian path to the east of the hedge.

23.1.4 The other representations, which were received after the DDMILP was published, oppose development, or further development, at this location. Although this site was not the subject of proposed modifications, the Council referred these letters for consideration at the inquiry (CD30). At that stage, it also decided to propose a change to the western boundary of the proposed Policy 2:47(iii) allocation to coincide with the boundary on the ICALP Proposals Map i.e. encompassing an area of 2.1 ha.

23.1.5 In February 2004, planning permission was granted on appeal for 51 houses and flats on the eastern 2.6 ha of the site, with access from Leachkin Brae (MHL/4). Crofts and houses on sloping ground above the field also take access from Leachkin Brae.

Brief summary of the main points raised by objectors

MacRae Homes and Mr W A MacDonald

23.1.6 Developing the objection site for housing would accord with national and HSP policies regarding sustainable development. The local primary school and community facilities are a short walk away, and Leachkin Road is a bus route. The site meets all the effectiveness criteria listed in PAN 38. While the additional allocation sought would not raise

any strategic land supply issues, the site could nevertheless contribute towards meeting the shortfall in housing land that the objector considers will arise in Inverness in the short term.

23.1.7 SW has confirmed there is foul drainage capacity for the site (MHL/11), and that an adequate water supply can be provided (MHL/12). THC and SEPA consider that suitable surface water disposal arrangements could be made (MHL/13). MHL/13 also confirms that THC's Area Roads Manager, who would have been well aware of the Robertson Residential proposal for Westercraigs, is satisfied that about 150 houses in total can be serviced via the access allowed by the appeal, subject to widening the lower part of Leachkin Brae (which he regarded as feasible), the improvement of the Leachkin Road/General Booth Road junction, and possibly the Leachkin Road/King Brude Road junction. There is no technical evidence to substantiate THC's claim, raised for the first time in its evidence for the inquiry, that a new canal crossing should be built before any housing on the western part of the field is occupied.

23.1.8 As the road layout that was approved would open up the objection site, there is a need to allocate the entire field for housing in order to create a strong defensible boundary. It is unrealistic for THC to hope the permission will be allowed to lapse. Allocating the field would be a logical extension of the built-up area and would enhance the local landscape character (which falls within the Suburban Fringe in the SNH LCA). Development would be below the 100 m contour, and level with the high points of the Scorguie housing area to the east. While the boundaries of the Green Wedge are far from clear from the Inset Proposals Maps, MHL/8 illustrates how the site could be developed to allow the relevant Green Wedge objectives, namely footpath improvements and landscape management, to be implemented. A 15 m wide landscaped corridor alongside the existing hedge and ditch would provide a more logical boundary than a boundary further to the east, which would not coincide with any physical feature on the ground. A footpath/bridleway along the line of the existing "desire line" path would formalise the current informal public access, and link Leachkin Brae with Leachkin Road, via land also owned by MacRae Homes. None of this could be achieved if the site remains as it is. THC's budget for a Community Trust is modest, and its aspirations depend on obtaining control over what is currently private land.

23.1.9 Although it would be possible to tie the western boundary of the appeal site into the landscape, this could look arbitrary and unfinished unless all the land up to the field boundary was to be planted up. It is unclear whether the Reporter who conducted the 1993 local plan inquiry, and who concluded that the 2.6 ha site was the maximum that could be regarded as rounding off, had landscape evidence. In any event, further development has taken place in the area since then, including above the site, and the appeal has been allowed.

23.1.10 Most public views of the site are from the east and south. Photomontages, (MHL/5-MHL/7) from the top of Tomnahurich Hill, the road bridge near the Rose Street Safeway store, and from Drummoissie Moor, while not well-used public viewpoints, were chosen to provide a representative overview, and to illustrate the site in its setting. From these locations, a housing development on the site would not detract from the landscape, or the context of long-term development in this part of Inverness, although the boundary between the built up area and the crofts above would be blurred to a degree. The loss of uninterrupted views from the existing path need not unduly compromise the Green Wedge concept.

The Bickley Family, Mr J Innes, Mr B Keddie & Ms C Hearn, Mr P MacDonald, Mr F Mackenzie, Mr & Mrs MacQueen, Mr & Mrs Patterson & Family, the Rudkin Family, Mr R Soutar

23.1.11 Most of those opposed to development at this location live at Leachkin Road. Their main concerns relate to the visual impact of development in the field; its adverse effects on privacy, local amenity and wildlife, and on the recreational value of the Green Wedge; traffic impact; increased noise and air pollution; and pressure on local facilities. Some objectors consider that none of the field should be developed, and that no other development should take place to the west of the canal until a coherent overall strategy is drawn up (see Chapter 10.3). Mr Soutar states that there is a long history of horse grazing at Leachkin Brae, including on this field, and that any development should ensure that equestrian activities are not restricted.

Brief summary of the Council's response to the objections

23.1.12 THC had intended the CDLP to replicate the area, capacity, and mapped boundary, in the ICALP. Given the integral relationship of the appeal site to the remainder of the field, it would have been sensible to have delayed determination of the appeal. Although the appeal decision has, to a degree, pre-judged consideration of the objections, THC hopes that the permission will lapse, and considers that the decision should not affect the outcome of this inquiry regarding the rest of the field. The Reporter's conclusion (with which the Council agrees) that the road that has been approved would "open up" the remainder of the field cannot be reconciled with his statement that a planting belt (presumably along the western boundary of the appeal site) that would tie the development into the landscape was required.

23.1.13 The Reporter who conducted the 1993 inquiry implied that the council had been overly generous in allowing any development in this field. The only changes since then favour resisting further development. In 1993, only the first phase of the SDR had been completed. Subsequent phases have now opened up most of the allocated housing land on the southern and eastern sides of the City. Although Charleston, Torvean and sites in the Ness-side area depend on the SDR, there is still sufficient land available to meet national and local requirements.

23.1.14 The road capacity problems highlighted by objectors opposed to development at this location need not be an insurmountable difficulty to the allocation sought by MacRae Homes. However, traffic monitoring will be required to determine whether any development over and above the 420 units so far agreed at Westercraigs and 45 units in this field can be occupied before Phase V of the SDR is completed. The resolution to allow the Westercraigs development increases the need to make Green Wedges accessible to new and existing residents.

23.1.15 While the photomontage locations are reasonable for as illustrations of the site in its wider setting, a least one close viewpoint is usually selected. The former Health Board led evidence on landscape impact at the 1993 inquiry. The site is as prominent and as crucial to the setting of Inverness as it was then (THC-14/4) and there is a distinct urban edge between suburban development on lower ground and the crofting township above. To allow further encroachment up the hillside would set a precedent for further development on this flank of the Great Glen. The "A" designation that THC proposes to apply to the western part of the site overrides Policy BP1, which also applies.

Conclusions

23.1.16 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53.

23.1.17 The MacRae Homes objections, and the objection by Mr W A MacDonald, are to the effect that this entire field ought to be allocated for housing development. The other objectors wish the field to remain free of development, or development to be limited.

23.1.18 Regulation 27(1) of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 establishes that, in the case of any contradiction between a local plan written statement and any other document forming part of the plan, the provisions of the written statement shall prevail. On this basis, the allocation in the adopted local plan is 2.6 ha.

23.1.19 A local plan review is an opportunity to reassess policies and proposals in an adopted plan. However, in this case, the eastern 2.6 ha of the field has detailed planning permission for 51 dwellings. It is unrealistic to expect this not to be taken up, and it is difficult to reconcile the Council's view that the 2 parts of the field are integrally related with its statement that the appeal decision should not affect consideration of the present objections. While I note the terms of the 1993 local plan report, I have to consider these objections on the basis of the evidence before me, and in the light of circumstances as they now stand.

23.1.20 In that regard, I have already concluded that there is no need to allocate additional housing sites in order to meet structure plan housing land requirements, in numerical terms. The objectors promoting this site do not argue it ought to be released in order to meet a qualitative shortfall in terms of market sector, range or choice. SPP 3 and the HSP prefer, other things being equal, housing development on brownfield or infill sites rather than on greenfield land. SPP 3 acknowledges that extensions to settlements can have advantages, but stresses that such extensions need careful planning, and that the landscape setting of towns and villages must be respected. The criteria in HSP Policy G2, of which local plan allocations require to take account, include landscape impact, and a demonstration of sensitive siting. A site judged to be significantly detrimental in terms of these criteria would not accord with the structure plan.

23.1.21 This field, to all intents and purposes, lies below 100 m AOD, at much the same level as the upper edge of the Scorguie housing to the east, and well below the 125 m contour that the local plan regards as the upper limit of development at Inverness. Viewed from the east and south, it also sits in well to the existing settlement form. I conclude that a suitably designed development would not have an adverse effect on the setting of the City.

23.1.22 It would be feasible to design a landscaping scheme for the western edge of the appeal site that would tie into the existing landscape features to a degree. However, extending development to the existing field boundary, with strong supplementary planting adjacent to the established hedge, would provide a better basis for creating a stronger and more defensible edge to the built-up area. If well done, there is no reason why a clear definition between housing on the lower slopes, and the crofts above, could not be maintained.

23.1.23 While such new development would be more apparent at closer hand, particularly to adjacent residents, part of the field has permission for housing. I regard it as capable of accommodating a development of the order of 50 houses, without seriously affecting privacy or local amenity. The effects of construction would be temporary and I have no specific evidence that there would be significant noise or air pollution problems at a subsequent stage, or that the field has significant wildlife value. Other land in the vicinity would remain available for equestrian activities. THC-14/10 shows that the Great Glen Way is routed well away from the site. The informal path along the western edge of the field indicates that *de facto* access is taken to the field, but no formal right access exists.

23.1.24 The objection site is covered by Policy BP1 designation, which favours development subject to site specific factors. However, the Inset Proposals Map also appears to include the western part of the field in the Leachkin/Craig Phadrig Green Wedge and subject to an “A” designation. This signifies an intention to safeguard the site from development not associated with their purpose and function. Policy 2:41 prohibits development in Green Wedges.

23.1.25 The Council intends Green Wedges to serve a range of “non-development” functions, including public access and recreation, and has wide-ranging ambitions to bring this about. However, the achievement of these aspirations is at an early stage. The evidence provided in relation to Beechwood Farm indicates this is likely to require substantially greater resources than are currently in place, and the co-operation of landowners, specifically in circumstances where development is allowed. It is also unclear how the Council would secure control or public access to land where no development is proposed.

23.1.26 The Leachkin/Craig Phadrig Green Wedge is earmarked for purposes that include footpath improvements. Allocating the objection site for housing would present an opportunity, which I find otherwise unlikely to occur, to secure formal access through the site in perpetuity. This alone does not justify the allocation, but is a further factor in its favour, and should be an express requirement if the allocation is made.

23.1.27 The Policy G2 criteria relevant to this site also include compatibility with service provision, and accessibility by public transport, cycling and walking, as well as by car. Dealing with these in turn, the evidence indicates that suitable drainage arrangements could be provided. The Council’s Area Roads Manager did not take issue in January 2003 with the objector’s proposal that about 150 additional houses could take access via Leachkin Brae, subject to a number of junction improvements. While this correspondence pre-dated the Westercraigs resolution, it would be surprising if he was not aware of that other proposal at that time. In any event, THC conceded at the inquiry that access need not be an insurmountable difficulty to an allocation, although traffic monitoring would be required to establish the timing of development relative to Phase V of the SDR. This could be established in the context of the monitoring that is intended for Westercraigs. The site is conveniently located for local community facilities, and Leachkin Road is a bus route.

23.1.28 Drawing these matters together, I conclude that the entire field should be allocated for a total of 100 houses (i.e. including the 51 units allowed on appeal), with traffic monitoring to establish the timing of development relative to Phase V of the SDR, and the provision of a footpath link through the site from Leachkin Road to Leachkin Brae.

Recommendation

23.1.29 I recommend that Policy 2:47(iii) is amended to read:

(iii) 5.5 ha	Leachkin Brae	subject to traffic monitoring to establish the timing of development relative to Phase V of the SDR, and the provision of a footpath link through the site from Leachkin Road to Leachkin Brae
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23.2 LAND ADJACENT TO DRUMDEVAN LODGE, TORBRECK

Objector Mrs F Rapson (131)

Procedure: Public inquiry

Synopsis of objection

23.2.1 The objection site should be included within the Inverness settlement boundary and allocated for low density housing

Background

23.2.2 This objection relates to a 3.2 ha field at the southern edge of Inverness, to the south of Torbreck Road, west of the Holm Burn. Essich Road forms its eastern boundary. There is a large modern house and stable to the south. Drumdevan Lodge stands to the west, between the site and the Holm Burn. The City of Inverness West Inset Proposals Map shows the site subject to an “A”, Amenity, designation and as part of the Torbreck/Knocknagael Green Wedge.

Brief summary of the main points raised by the objector

23.2.3 The objection site does not form part of a registered agricultural holding or croft. It was used for grazing horses, but is now surplus to requirements. Its isolation from any farm unit, and its small size, limit its potential for any “non-development” use. It does not contain any of the features listed in Policy 2:41(iii), which focuses on the land along the Holm Burn. SNH has not specifically identified the site for protection, and it does not include any of the woodland that the adopted local plan identifies as Local Nature Conservation Areas. Mature woodland to the west forms a natural backdrop. As the field has a public road on 2 sides, and does not form an integral part of the Green Wedge, housing development here would not prejudice the setting of the Wedge. An indicative map in the City-Vision (CD41) suggests that the Wedge is intended to avoid the site and the “build” area around it. THC has allowed new houses elsewhere in the Wedge, such as at Druid Temple (131/1). This shows it is not taking the intentions behind Green Wedges seriously.

23.2.4 The high density housing development that is nearing completion to the north of Torbreck Road justifies allowing up to 6 paddock style plots on the objection site, to act as a bridge between the town and the countryside. THC recognised the merits of this approach in granting permission for plots of this type at Woodside of Culloden. Given the large scale development envisaged in the A96 corridor, the Council has also failed to allocate enough land to meet demand for the type of self-build plots the objector has in mind. While it is theoretically possible to vary densities within Expansion Areas, this has not occurred in practice, due to market pressures. As Essich Road has already been improved to the Torbreck Road junction, a suitable access, and a gateway feature on Essich Road, could readily be provided. New houses could be sited so as not to infringe the 20 m off-set from trees, which the DDILP identifies as a Policy BP3 feature. The objector owns land alongside the Holm Burn, where enhancement of the Green Wedge could be secured, through a section 75 agreement, as “planning gain”

Brief summary of the Council's response to the objection

23.2.5 The local plan identifies sufficient land to meet HSP requirements, and to provide choice and flexibility in terms of location and market opportunities. There is therefore no justification for breaching established Green Wedge policy. Mature trees define the built-up area to the south-west of Holm. The objection site is part of a more substantial belt of mixed woodland/vegetation, set in open rolling farmland, identified and protected as a feature of local natural heritage importance. This protection is carried forward from the adopted local plan, and derives from SNH's wish that locally important areas of nature conservation value that are not subject to statutory designation should be identified. Further development here would fragment this feature, and affect its continuity and value as a habitat and wildlife corridor and as an informal recreational resource. The potential for public access through the site could equally well be pursued through the Green Wedge Initiative. Permissions for individual houses should be distinguished from the thrust of policy. The Ness Castle and Culduthel-Slackbuie Expansion Areas allow a range of housing densities to be provided. Existing houses in the vicinity provide a measure of transition between the town and the countryside.

Conclusions

23.2.6 I adopt my account of the factual background to this objection, together with my conclusions regarding housing land supply in the local plan area, and related Green Wedge issues, at paragraphs 22.25-22.53.

23.2.7 On the basis of these conclusions, there is no need for the local plan to allocate more land to meet HSP requirements, in quantitative terms. However, the land supply also has qualitative parameters, and SPP 3 and the HSP require a range of house types to be provided to cater for all sectors of the community and the market. The housing allocations proposed in the DDILP range from large expansion areas at Inverness, capable of accommodating a variety of house types and densities, including some paddock type plots, to infill and redevelopment sites. The latter include mixed-use Action Areas with a housing component. Provision is made for affordable housing. The plan also identifies sites in a range of locations outwith the City, in the A96 Corridor, the Hinterland and the RDA. The housing groups considered in Chapter 29 offer further opportunities, including for larger house plots. I conclude that, considered overall, and having discounted for the present local plan sites that are the subject of objection, the plan provides for an adequate range and choice of housing opportunities. It is impractical to seek to meet all housing aspirations at every location.

23.2.8 The local plan written statement and the City of Inverness West Inset Proposals Map represent the Council's proposal for a Green Wedge in this area, for statutory planning purposes. The indicative diagram in the City-Vision is simply a broad brush illustration of the City Partnership's aspirations for the City.

23.2.9 The 2 pronounced heavy lines around the margins of Inverness in the Inset Proposals Map make it debatable whether the Council proposes to include the objection site within the Inverness settlement boundary, although the "A" notation suggests that it does. In any event, the site is clearly intended to be included in a Green Wedge, and thus safeguarded from development not associated with its purpose and function.

23.2.10 There is no evidence that the objection site has significant nature conservation interest, on its own, or as part of a larger wildlife corridor. The adopted local plan suggests that interest in this area focuses on the woodland to the west and south of the site, adjacent to the course of the Holm Burn. It ought to be possible to design a low density development on the site without encroaching close to mature trees, which are on the margins of the field.

23.2.11 The objection site is located at the western edge of the Green Wedge, beyond Essich Road. Viewed from the west, and when approaching the City from the south, mature woodland provides a landscaped backdrop. I conclude that the site is capable of accommodating a well-designed, low density, development without significantly prejudicing the overall setting of the Wedge.

23.2.12 The housing development to the north of the Torbreck Road, and the associated road improvements, have already changed this area. It is also difficult to reconcile recent permissions for individual houses in this Wedge with the unequivocal opposition to any development within Wedges expressed in Policy 2:41. The house to the south of the site appears recent.

23.2.13 Nevertheless, irrespective of the intended location of the settlement boundary, when heading south along Essich Road, there is a clear impression, on reaching the Torbreck Road/Essich road junction, of leaving the City behind and entering the countryside. This impression is emphasised by a marked change in road specification. A housing development on the objection site would therefore extend the built-up area to the south, beyond an established boundary. I concluded that, even if well-designed, this would have a significantly adverse effect on the character and appearance of what is a pleasant stretch of rural road. I conclude, having also had regard to my conclusions regarding housing land supply in the local plan area, that this disadvantage would outweigh the prospect of securing the “planning gain” offered by the objector. There is no reason to expect this offer to improve the nature conservation interest of the Holm Burn, and the countryside to the south is already accessible along Essich Road.

Recommendation

23.2.14 The local plan should not be changed in response to this objection.

23.3 SLACKNAMARNOCK QUARRY

Objector: The Macdonald Trust (23)

Procedure: Public Inquiry

Synopsis of objection

23.3.1 Approximately 3 ha of land at this site should be allocated for housing.

Factual background

23.3.2 This undulating former quarry site (an aerial photograph is THC-14/6) is located largely to the south of the SDR, to the east of its junction with Essich Road and west of the Culduthel-Slackbuie Expansion Area. The site has revegetated over the years and is now covered with grass, heather and trees. A stub access has been formed from Essich Road at a gap in a line of houses fronting the road. The 4 ha of land to the south of the SDR represents the majority of what was originally a 5.8 ha site, now cut into 2 parts by the SDR. The objector confirmed at the inquiry that it no longer wished to promote the small triangular area to the north of the road for housing development.

23.3.3 Policy 2:71(v) of the DDILP allocates 0.8 ha of the former quarry for housing. Requirements comprise separation from overhead electricity pylon lines; archaeological and public access link safeguards; planting and agreed treatment of the remainder of the site; and developer contributions in respect of affordable housing and community facilities (to be specified in the Development Brief for the Expansion Area). However, the Policy 2:71(v) notation on the South District Inset Proposals Map covers 1.3 ha of land, at the rear of the Essich Road houses. The remainder of the site has an “A”, Amenity, designation.

23.3.4 The adopted ICALP allocates 0.8 ha of land, also at the rear of the Essich Road houses, for up to 8 houses, and the balance of the site as an informal park/recreation area, as part of a Countryside Around Towns scheme.

Brief summary of the main points made by the objector

23.3.5 A 1999 report (14/23/Doc1), prepared before the SDR was constructed and a trunk sewer installed through the northern part of the site, concluded that the Countryside Around Towns scheme was unlikely to proceed, and that recreational and Green Wedge objectives could be met on about 2 ha of the 5.8 ha site. The Director of Planning concluded that a 3 ha housing site would have unacceptable amenity and recreational impacts, but that housing on up to 2 ha would be a reasonable compromise (CD29). However, Committee members rejected this recommendation on traffic/access grounds.

23.3.6 Although it is unclear whether the City of Inverness West Inset Proposals Map in the DDILP shows the objection site as part of the Torbreck/Knocknagael Green Wedge, it is associated with the wedge, and Policy 2:41(iii) refers to it as a “connecting feature”. Connection to Lochardil Woods could be achieved by leaving an undeveloped corridor along the eastern and northern parts of the site, and developing the western 2 ha for 17-18 serviced plots. The precise extent of the developed area could be determined following habitat and

archaeological surveys. This would help meet the demand for self-build houses, and generate the development value required to provide the developer contributions identified in Policy 2:71(v). The objector is amenable in principle to delivering the remainder of the site to the Green Spaces Trust. There would also be an opportunity to provide improved access and drainage arrangements for the adjacent occupiers, who rely on their original accesses to Essich Road and, in some cases, on septic tanks located within the objection site. If the allocation remains at 0.8 ha, the site is unlikely to be developed at all.

23.3.7 The stub road was provided, with road construction consent, when this length of Essich Road was upgraded. A traffic assessment (14/23/Doc2) confirms that visibility to the north is 4.5 x 90 m, above the council's standard of 4.5 m x 70 m. The walling, earth fill and vegetation that restrict visibility to the south to 4.5 m x 40 m are within the road boundary and could be removed to achieve a 65 m or even a 70 m sightline in that direction. A PICADY assessment using base traffic figures similar to those recorded by THC (14/23/Doc3) shows that, with 20 houses, the junction would operate at only 1.3% of its potential capacity at most. Even allowing for traffic growth, there should be no operational problems for at least 15 years.

Brief summary of the council's response to the objection

23.3.8 The site is part of a Green Wedge extending across the SDR into Lochardil Woods and the City. The adopted local plan reflects the report of the previous local plan inquiry in 1993 (THC-14/7). The Council understands that the Reporter concerned then regarded 8 houses as the maximum number acceptable. The scale of housing development proposed at Ness-side/Ness-Castle and Culduthel-Slackbuie make it vital that the Green Wedge is maintained, so that wildlife habitat is preserved and residents have good access to the countryside. Policy 2:71(v) reflects an approach that was acceptable to local residents in 1993, and allows some development, while protecting the amenity of the Green Wedge.

23.3.9 That said, it would be possible to provide adequate links on 2 ha of the site, if the safeguards listed in the policy were satisfied. The 0.8 ha allocated for housing in the adopted plan abuts the rear of the adjacent properties, and any effects on their amenity would be assessed at planning application stage. Committee members might reconsider traffic and access aspects in the light of the evidence given at the inquiry. However, the council is opposed in principle to any incursions into a Green Wedge other than in exceptional circumstances. Policy 2:71(v) should be retained as it stands, and the Inset Proposals Maps amended to show 0.8 ha for housing and the remainder of the site as part of the Green Wedge.

Conclusions

23.3.10 I adopt my account of the factual background to this objection, together with my conclusions regarding housing land supply in the local plan area, and related Green Wedge issues, at paragraphs 22.25-22.53. On the basis of these conclusions, there is no need for the local plan to allocate more land to meet HSP requirements, in quantitative terms. As stated at paragraph 23.2.7, considered overall, the plan also provides for an adequate range and choice of housing opportunities. The allocations proposed cover a wide range of sites, in a variety of sizes and locations, and include some sites that could accommodate self-build plots.

23.3.11 The original objection, that 3 ha of land at this location ought to be allocated for housing, appears to have been based on the 1999 report, which predated construction of the

SDR, and envisaged house plots to the north and south of the road. The objection is now confined to the south of the road, and promotes 2 ha of land for housing.

23.3.12 It seems likely that the DDILP intended to carry forward the 0.8 ha allocation in the adopted plan. While the City of Inverness West Inset Proposals Map does not appear to include any part of the objection site in the Torbreck/Knocknagael Green Wedge, Policy 2:41(iii) indicates its inclusion may have been intended. In any event, the site serves as a connecting feature between the countryside and the Green Wedge to the south, and Lochardil Woods, where Policy 2:77 (2:78 in the DDMILP) states that the Council will encourage a community led initiative, subject to landowner agreement, for long-term management, and public access through to the quarry. I conclude that this relationship makes the former quarry a key part of a Green Wedge, and that this function merits protection. To that end, at least part of the site ought to be safeguarded from built development, so that the provision of a link is safeguarded.

23.3.13 I conclude that leaving an undeveloped area along the eastern and northern part of the site would allow it to continue to function as a connecting landscape and access corridor, including for wildlife. The overhead line separation distances that apply to the northern part of the site also indicate that this should remain undeveloped. As the regenerated site may contain locally significant wildlife habitat, and the south-eastern corner appears to have some archaeological interest, the precise location of the eastern and northern boundaries of the housing site ought to be finalised following a wildlife survey and archaeological assessment. The 1999 report gives no reason to expect that a 2 ha housing site, and a suitable corridor, could not be accommodated, while protecting these other interests. The Council accepts it would be possible to provide adequate links on 2 ha of the site, subject to the safeguards listed in the policy. The evidence indicates that a suitable access could also be achieved, on land within the highway boundary.

23.3.14 What the Reporter who conducted the 1993 local plan inquiry appears to have had before him for consideration was a proposal for 8 houses on 0.8 ha. His report does not state this was the maximum amount of development that he regarded as acceptable.

23.3.15 Drawing these matters together, I conclude that the former quarry site is capable of accommodating a housing development on a 2 ha area, while also providing satisfactory public access links between 2 parts of the Green Wedge, and safeguarding overhead line, wildlife and archaeological interests. I also find a larger allocation than proposed in the DDILP likely to improve the prospect of securing these links, and the other developer contributions sought by the council. I note that the 0.8 ha allocation that has existed since 1994 has never been taken up. In this regard, I adopt my conclusion at paragraph 23.1.25 regarding the Council's Green Wedge aspirations. Pending the surveys referred to above, it would be sensible to express the indicative site capacity as a range.

Recommendation

23.3.16 I recommend that Policy 2:71(v) is amended to refer to 2.0 ha and 15-18 houses, and that the South District Inset Proposals Map is amended accordingly. Other than the correction of a minor typographical error (i.e. to delete "at" after "former quarry", already made in the DDMILP) the requirements should remain as set out in the DDILP

23.4 SITE AT DRUID TEMPLE

Objector: Mr D Mackenzie (37)

Procedure: Public inquiry

Synopsis of objection

23.4.1 This 10 ha site should be allocated for housing.

Factual background

23.4.2 The objection site is farmland at the southern edge of Inverness, to the west of Old Edinburgh Road (General Wade's Military Road) and within the Balloan/Castle Heather Green Wedge. The land slopes down towards recent housing and the Loch Ness Golf Course, on the south side of the SDR. The Milton of Leys Expansion Area lies to the east of the site, on the opposite side of Old Edinburgh Road.

23.4.3 The adopted local plan shows the site subject to agricultural land safeguarding policies 2.5.6 and 2.5.7, and subject to a presumption against sporadic development, under Policy 2.5.8.

Brief summary of the main points raised by the objector

23.4.4 The objection site is on the periphery of the Green Wedge, is segregated from it by a deep wooded gully, and has a more undulating and steeper gradient, traversed with deep fissures. None of the features listed in Policy 2:41(iv) is located on it. Although the higher, southern, part of the site is visible from the City, as a whole it is relatively inconspicuous in the overall setting. Deleting the site from the Green Wedge would not prejudice the intended purpose of the Wedge, or impact significantly on the remaining area. The golf course, a driving range, and the route of the Allt na Skiach, the burn to the west, penetrate into suburban areas in the form of a wedge, but there is no need for it to spread laterally across the outer periphery of the City. Allocating the site for housing would make a more constructive contribution to the physical, social and economic growth of Inverness.

23.4.5 The topography of the site limits opportunities for public recreation. Given the extent of Green Wedges, and the cost and complexity of realising its aspirations for these areas, the Council ought to re-examine its policy for these areas, with a view to prioritising them in terms of their public benefit, and the practicality of implementation. In any event, it is unrealistic to assume that this site will continue in agricultural use until the Council is in a position to acquire it. It has little agricultural value, and its limited size and isolation, due to encroaching housing development to the north and east, will make agricultural use untenable. The housing to the north (which is the subject of Policy 2:71(ii) in the DDILP) extends significantly further west than the objection site. This reduces any argument of visual intrusion. THC has allowed individual houses to the south, at odds with the SNH LCA: Inverness Suburban Fringe (37/1). It has also granted permission for 73 houses to the west, on land allocated under Policies 2:71(iii) and 2:71(iv), and more visually exposed than the objection site.

23.4.6 The Council acknowledged in its initial response to the objection that the site is easily capable of development, but was concerned that it would add significantly to the land supply. The objector disputes this, for the reasons explained at paragraph 23.25, and considers that the site could make a valuable contribution to anticipated growth. Only about 7 ha is realistically developable, and up to 50-60 houses are envisaged. An indicative layout shows how access could be provided from the Expansion Area to the east, with some land retained for amenity purposes, and the marginal and gully woodland retained, possibly with public access. A Development Brief could be prepared.

Brief summary of the Council's response to the objection

23.4.7 The adopted local plan established the principle of the 6 major Green Wedges described in Policy 2:41. The City-Vision recognises that Inverness “*must break the mould of continuous peripheral expansion characterised by bland, anonymous and undistinguished suburban developments*”. This “wedge” shaped site is very attractive rolling farmland, with a gradual north-facing slope becoming steeper with descent. It is incised by burns, with mature trees on its lower reaches giving a degree of containment. It also separates development adjoining the golf course to the west, and Inshes/Milton of Leys, and there are exceptional views across the City. The site is also visible from the City, to the west of Slackbuie, from Craig Dunain and the Leachkin area, and from the Kessock Bridge. As a green feature, potentially capable of public access and recreation, it penetrates towards the edge of the City and the SDR.

23.4.8 The site's value as open space derives in part from its proximity to established amenity features: the golf course, the military road, historic sites and walks, and its connectivity to higher ground at Drum Mossie/Bogbain. While it would be possible to provide access from Inshes when the road layout there is agreed, General Wade's Road is a right of way, and would require to be breached to achieve a connection. At 10 ha, the site would represent a significant addition to the City's housing land supply. The objector's arguments regarding its developability and capacity to extend market choice do not override the local plan's strategic objectives, given the supply of land for housing, and the momentum behind the initiative to secure Green Wedges in the public interest.

Conclusions

23.4.9 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53, and those at paragraph 23.2.7 regarding range and choice.

23.4.10 Rising land on the southern periphery of Inverness makes a significant contribution to the setting of the City. In this context, it is important that a swathe of undeveloped land is retained at Balloan/Castle Heather, to provide visual separation between the Culduthel/Slackbuie Expansion Area to the West and the Milton of Leys/Inshes development to the east, and to give clear form and containment to the outer reaches of the built-up area.

23.4.11 This intended Green Wedge is not uniform throughout. The objection site's location at the margin of the Wedge, its topography, and edging woodland, combine to set it apart from the remainder of the area. I conclude that the remainder of the Wedge could serve the purpose of a Wedge in landscape terms. It would also be physically feasible to link a

housing development here with the developing area to the east, and I note the offer of public access to parts of the site.

23.4.12 The character and ambience of this locality will change as Milton of Leys is developed. However, development there will be confined to the east of General Wade's Road, beyond a 30 m shelter belt. The road will therefore continue to be a defining feature, affording extensive views to the north and across the City. Given the current circumstances of the housing land supply, whereby there is no need to allocate additional housing sites in order to meet structure plan housing land requirements, in numerical terms, and that the land allocations proposed in the plan afford adequate choice, I find insufficient justification for extending greenfield housing development across this road.

23.4.13 My conclusions at 23.1.25 regarding the prospects for the achievement of the Council's aspirations for the ownership and management of Green Wedges are pertinent to the consideration of this objection, and it cannot be assumed that the site will continue in agricultural use indefinitely. However, if agricultural use did cease, this does not mean that the site would become significantly unsightly or cause other problems. Accepting this argument as a justification for further peripheral housing development around Inverness also has the potential to cumulatively erode the setting of this part of the City.

Recommendation

23.4.14 The local plan should not be changed in response to this objection.

23.5 MILTON OF LEYS

Objector: Mr D C Munro (209)

Procedure: Written submissions

Synopsis of objection

23.5.1 The local plan should identify this site for long-term development.

Factual background

23.5.2 The objection site, which extends to about 12 ha, is located between the Milton of Leys housing development (to the west) and the A9 (to the east), to the north of a new access road leading from a new interchange on the A9 to Milton of Leys. The City of Inverness East Inset Proposals Map includes it in the Beechwood/A9 Green Wedge and subject to an “A”, Amenity, designation. Policy 2:16 proposes to allocate a 30 ha site to the south of the interchange for business/commercial use, subject, among other things, to a 130 m minimum setback from the A9. It also refers to a grant of planning permission for film studios, a media centre, visitor/retail and other facilities.

23.5.3 The adopted local plan reports that a major residential and leisure development on a 230 ha site at Milton of Leys began in 1990, that a Master Plan had been approved for up to 1,150 houses, and that other proposals included 2 golf courses, an hotel, open space, and community and commercial facilities.

Brief summary of the main points raised by the objector

23.5.4 The Council’s housing figures are based on a 2001 structure plan. Demand for housing has greatly increased since then. The objection site could be easily and quickly serviced, to help alleviate the housing shortage in Inverness. It will soon be surrounded by development, making it very difficult to farm. While above the 125 m development “limit”, the objection site is lower than land being developed, or proposed for development, to the west and north. The Green Wedge boundaries are based solely on ownership, not on topographical or geographical features. There is only a small ditch between the site and the development to the west. Unlike that development, Balvonie Wood screens the objection site from the City. Providing a 150 m wide buffer adjacent to the A9 would leave about 9 ha available for building. The neighbour notification plan for the development to the south does not appear to provide for a buffer. The film studios would look over the objection site. Any views from there are already compromised by existing development.

Brief summary of the Council’s response to the objection

23.5.5 This site is elevated, open and exposed, and notwithstanding the development to the south, at 150 m AOD, substantially breaches the upper limit of building identified in the local plan. It is separated from Milton of Leys by Balvonie Wood and a treed burn, and does not relate to it in landscape terms. These features give the land definition and contain it within the A9 “buffer”, which becomes wider with distance from the City. The uses proposed to the

south are largely tourist-related and economic development in nature. From the film studio, an open and uninterrupted vantage over Inverness are promoted.

Conclusions

23.5.6 I adopt the account of the factual background to this objection, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53. These include that there is no need to allocate additional housing sites in order to meet, in numerical terms, the relevant structure plan housing land requirements. These requirements are set out in Policy H1 of the HSP and cover the period to 2011. The objector does not argue that this site ought to be released in order to meet a qualitative shortfall, although my conclusion at paragraph 23.2.7 is pertinent.

23.5.7 As development in the vicinity of the objection site extends above the 125 m contour, onto land that is higher than the site, its elevation alone cannot reasonably be regarded as determinative.

23.5.8 Whatever the neighbour notification plan may indicate, Policy 2:16 of the DDILP requires development to the south of the site to be set back at least 130 m from the A9. The objection site is large enough to provide a 150 m roadside buffer, and still leave enough land for a housing development. It would also be feasible to design a scheme that would appear in time as part of the Milton of Leys development, and avoid seriously impinging on views from the higher land to the south. The woodland to the north could provide significant screening.

23.5.9 That all said, having had regard to the adequacy of the land supply, and to the fact that the Policy H1 figures are expressed as a maximum, I find no justification for a greenfield housing allocation at this elevated, north-facing site, which extends into the Green Wedge adjacent to the A9. This widens, as far as the new interchange, with increasing distance from the City. It deserves to be maintained, unless there are compelling reasons to the contrary. While conflicts between agriculture and residential and other uses on the urban fringe are well documented, the objector does not argue that any continued agricultural use would be untenable. I see no reason why grazing use at least could not continue. The DDILP allocations at Milton of Leys are carried forward from the adopted plan, which appears to reflect permissions extant and partly taken up at that time, dating, in part at least, from 1990 or earlier.

Recommendation

23.5.10 The local plan should not be changed in response to this objection.

23.6 INSHES HOUSE (EASTERFIELD)

Objectors: Mr & Mrs R Matheson (96)

Procedure: Public local inquiry

Synopsis of objection

23.6.1 The local plan should allocate the objection site for housing. This would not impinge on the Green Wedge strategy. As the eastern boundary of the site is in line with the housing allocations proposed at Easterfield to the east of the B9177, the objector's proposal would square off development straddling the B9177 and the B9006.

Factual background

23.6.2 This 6 ha objection site comprises a field and some adjoining mature mixed woodland immediately to the east of the A9 at the south-eastern edge of Inverness. The B9006 runs along the northern boundary of the site and B9177 along the eastern boundary. The former driveway to Inshes House, which runs from the B9006, through the largest area of trees, in the north-western part of the site, has been severed by the A9. A line of mature trees extends along the eastern edge of the site, at the rear of a stone wall alongside the B9177, and adjacent to the A9. At the time of the inquiry, an outline planning application for housing development on 1 ha of the site, to the south of the driveway had been submitted.

23.6.3 The DDILP includes the site within the Beechwood/A9 Green Wedge and subject to an "A", Amenity, designation. In the adopted local plan, the site is safeguarded as agricultural land and is subject to a presumption against sporadic development, imposed, *inter alia*, to protect the city's setting.

Brief summary of the main points raised by the objectors

23.6.4 The site's relatively small size, and its isolation from all of the objectors' other land, on the opposite side of the A9, make it of little use for agriculture, except for grazing horses. A development of 20-25 houses would help meet the need for new housing in Inverness, without prejudicing the council's overall housing land strategy, particularly in view of the recent considerable uptake of housing land. The woodland comprises a few semi-mature beech trees (which have become "drawn out") some conifers, and some smaller trees, and contributes little to local amenity. The dual carriageway has left it too small to be managed effectively on its own. All the trees are of a similar age, and are approaching maturity. Unless replanting is carried out, the woodland's long-term future is uncertain. The objectors have contested a provisional TPO made by the council. There were no local objections to the current planning application. Access could be provided from the B9006, or from the B9177, at a location that would minimise the effect on the boundary wall, which is unlisted.

23.6.5 Leaving the area as it is will not achieve the objectives of the Green Wedge policy, as far as these can be established from the local plan. A management plan, undertaken in association with development, including native deciduous and evergreen planting adjacent to the A9 and at the rear of the trees at the B9177, and leaving areas for recreation, would improve the area and the viability of the woodland. It would also better promote the spirit and

ethos of the Green Wedge policy. The new planting would screen housing from the A9, reduce traffic noise, increase the amount of time before replacement planting need be done in the existing woodland, mask the effect of selective felling, and improve wildlife habitat. There is no public right of access to the site, and access in practice is restricted to the drive. The objectors' proposal would allow a recreational access loop around the site. There would be no reason to provide this unless housing was allowed. There is already significant development in this area, including a garden centre. The land to the rear of the smallholdings to the north does not have any recreational potential.

Brief summary of the Council's response to the objection

23.6.6 The objection site is self contained, detached from the edge of the built-up area at Cradlehall, which is defined by the B9006/B9177, and clearly visible from the A9. The original policies of Inshes House are defined by gateway features, walling, and by the mature beech and other trees which give distinction to the City's edge. Beyond, the Green Wedge provides an effective "buffer" alongside the A9, and part of the setting for Cradlehall. The site is also a potential recreational thoroughfare, complementing the landscape/habitat which has evolved over the years.

23.6.7 Allocating any of the site for housing would extend the built-up area into the setting of the A9, where policy seeks a set-back of up to 150 m for residential development in order to safeguard amenity - including from traffic noise - and to protect the City's main approaches visually. A housing development would also be out of keeping with the sporadic building pattern at the smallholdings to the north, which are historically part of the City's fringes either side of the A9, and would "read" quite separately in the landscape. An exceptional stand of trees, and a wall, would need to be breached for access. The Director of TEC Services has advised (THC-13/10) that suitable visibility to the south cannot be provided on the objectors' land. This is because of the alignment of the B9177 and the need to secure a staggered junction arrangement relative to the "committed" access to the housing allocation to the east of the B9177, which Policy 97(iii) of the DDILP carries forward from the adopted local plan and reaffirms.

23.6.8 This Wedge also has potential for nature conservation, recreation, and public access, and its landscape character and existing uses make it appropriate to leave it undeveloped. It helps to provide a setting for Culloden, and a link to other undeveloped land to the south and east. These roles would be diminished if the Wedge became fragmented. The character of the landscape, and Culloden's setting, would change, even if new houses on the objection site were hidden. The woodland, and public access, could be improved as part of the Green Wedge initiative. Whether the open ground between the smallholdings and the A9 has potential for recreation will depend on the approach taken by the City Partnership Project Officer.

Conclusions

23.6.9 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53. On the basis of these conclusions, there is no need to allocate more land to meet the structure plan housing land requirements, in quantitative terms. I also adopt my conclusion at paragraph 23.2.7, to the effect that the local plan provides for an adequate range and choice of housing opportunities.

23.6.10 The objection site is part of a swathe of largely undeveloped land, on both sides of the A9, at the main road approach to the City from the south. While the woodland around the edges of the site is not actively managed and would benefit from improvement, there is no reason to believe that it is under immediate threat. It is a highly attractive and significant landscape feature in its own right, and, as part of a larger undeveloped “green” area, in terms of its contribution to the setting of this part of the City. It also serves to contain the site in visual terms, and to set it apart from the area of smallholdings and other sporadic development to the north, and from the land on the opposite side of the B9177.

23.6.11 The purposes and functions of Green Wedges include improving opportunities for public access and recreation. There is no public right of access to the objection site at present, and any access in practice is likely to be confined to the area of the driveway. The objector’s proposal could provide an opportunity for improved public access, for recreation, relative to the current situation. As matters stand, and having had regard to my conclusion regarding the Council’s Green Wedge aspirations, at paragraph 23.1.25, this opportunity is unlikely to arise without co-operation and agreement on the part of the owner. There is no evidence to suggest this is likely to be forthcoming other than in association with development.

23.6.12 Although less than straightforward, the prospect of providing a technically satisfactory access to a housing development on the objection site cannot be ruled out, particularly if the co-operation of the adjoining landowner was to be secured.

23.6.13 However, I conclude that housing on the objection site would seriously detract from the setting of this part of the City. Additional planting adjacent to the A9 is unlikely to be fully effective as screening in winter, or in providing noise attenuation from what is, by any standards, a very busy road. Even if screening could be achieved, this would fundamentally alter the relationship between the field and the fringing woodland, that makes this site so attractive. I consider that these adverse landscape considerations significantly outweigh the benefits of improved access around what would be the margins of a housing site.

Recommendation

23.6.14 The local plan should not be changed in response to this objection.

23.7 EASTERFIELD OF INSHES

Objectors: M W & H Young (199 & 275)

Procedure: Written submissions

Synopsis of objection

23.7.1 The housing allocation that the DDILP proposes at this location should be extended further to the south, towards Balvonie Cottage.

Factual background

23.7.2 This site lies to the east of the B9177 opposite the site that is the subject of objection 96, to the north of the access road to Easterfield Farm. Policy 6.1.3(f) of the adopted local plan allocates 1.2 ha of the site for housing, excluding the farm steading. The DDILP proposes, in Policy 2:95(ix), to extend the allocation to 1.6 ha, to include the redevelopment of the steading, with access from the B8971 (sic). The allocation is renumbered Policy 2:97(vii) in the DDMILP, but is otherwise unchanged from the deposit draft. In all these plans, the southern boundary of the allocation is the farm access road which leads from the B9177.

Brief summary of the main points raised by the objectors

23.7.3 The objectors made representations to the CDLP, that the allocation ought to extend to the boundary of Balvonie Cottage (MWY1). The council rejected this, on the basis it would impact on the amenity of the cottage, and because it wished to safeguard a 150-200 m green buffer corridor adjoining the A9.

23.7.4 The objectors reduced their proposal, to 2.87 ha in total, to provide 100 m separation from the A9, and protect the amenity of the cottage, with a heavily landscaped edge along its eastern boundary. They was done in order to absorb the cottage into the “development zone”, to avoid the fragmented layout that might otherwise exist, [3.4] and to provide an appropriate rural corridor in which to channel the pedestrian link serving communities either side of the A9 (MWY2).

23.7.5 As neither the City of Inverness East Inset Proposals Map, nor the Culloden District Inset Proposals Map, show a Policy 2:41 notation on the objection site, it does not appear to be in a Green Wedge. Extending the allocation would therefore not offend the Green Wedge policy. While the site does have an “A” zoning, Policies 2:107 and 2:108 do not list it as an Amenity Area for the Cradlehall-Westhill neighbourhood. The local plan gives no justification for “A” zonings, which Policy 2:41 clearly distinguishes from Green Wedges. Including the objection site within the settlement boundary, as part of the Policy 2:97(vii) site, and with the landscaping proposed in MWY2, would tie it into other Amenity land to the west. Local amenity would not be disturbed, and the area the Council is seeking to protect could be improved and defined.

Brief summary of the Council's response to the objection

23.7.6 The housing allocation proposed in the DDILP should be regarded as the limit of development sits comfortably with the landform, contained below a pronounced dip slope. The objectors' proposal would breach the 150 m amenity safeguard alongside the A9. The resultant incursion into the protected "Green Wedge" could prejudice public enjoyment of an important pedestrian link that connects communities on either side of the A9 with future recreation/common lands running through to Beechwood and West Seafield. There is no justification for extending development further south towards Balvonie Cottage, which is detached from the built-up area and enjoys relative isolation.

Conclusions

23.7.7 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53. On the basis of these conclusions, there is no need to allocate more land to meet the structure plan housing land requirements, in quantitative terms. I also adopt my conclusion at paragraph 23.2.7, to the effect that the local plan provides for an adequate range and choice of housing opportunities.

23.7.8 Neither the City of Inverness East Inset Proposals Map nor the Culloden District Inset Proposals Map appear to include this site within a Green Wedge, although it is within the general area described in Policy 2:41(v). The City East Inset shows the additional area that the objectors wish to be included in the allocation apparently in the settlement boundary, but subject to an "A" notation. This indicates a policy intention of safeguarding the land from development not associated with its purpose and function. This is currently agriculture.

23.7.9 The "amenity safeguard" alongside the A9 to which the council refers appears to originate in the adopted local plan, where Policy 2.5.11 states that 150 m-250 m separation will normally be expected from buildings, to help insulate communities from traffic noise, fumes and vibration; and in the interests of visual amenity. The DDILP carries this concept forward, and identifies land within 150 m of trunk/major road corridors as a Policy BP3 feature, where a presumption against development is intended to apply.

23.7.10 The allocation proposed in the DDILP, like that in the adopted plan, appears, at its closest point, to be about 100 m from the A9 carriageway. The additional allocation sought, where it extends to the east of Balvonie Cottage, is also 100 m from the trunk road. However, the land to the north, between the farm access road and the cottage, is only 20 m from the road, at its nearest point. While judicious landscaping could help to insulate residents from the effects of traffic, this is unlikely to be fully effective at such close range. From this perspective at least, the extended allocation would be far from ideal.

23.7.11 Planting in the location indicated in MWY 2, to the east of Balvonie Cottage, could be designed to help to tie the cottage into the extended developed area. It would also provide some screening for the development when approaching along the B9177 from the south, and a landscaped backdrop from the north. However, the land rises in the latter direction, beyond the farm access road, which runs along the base of the dip slope. I conclude that these existing features, namely the topography and the farm road, in combination, provide the best available basis for the definition of the edge of the built-up area at this location. Given the circumstances of the housing land supply, I find no justification for allocating greenfield land

extending beyond these features. I reach that conclusion, irrespective of whether the allocation sought by the objector is regarded as being within a Green Wedge.

Recommendation

23.7.12 The local plan should not be changed in response to this objection, although the reference to the B8971, which appears to be a typographical error, should be corrected.

23.8 LAND AT LOWER MUCKOVIE FARM

Objectors : Deveron Homes Ltd (102)* and Mr D C Munro (209)

Procedure: *Public Inquiry and Written Submissions

Synopsis of objections

23.8.1 This site ought to be allocated for housing, not as an Amenity area. The wooded den to the north of the site, which Policy 2:107(ii) of the DDILP (Policy 2:108(ii) in the DDMILP) proposes as open space, is allocated for housing in the ICALP. This allocation should be retained.

Factual background

23.8.2 These objections concern 12 ha of farmland to the south of Cradlehall, east of the B9177 at Drum Mossie Brae. The site comprises 2 fields, separated by a wooded glen with a small burn, and rising up to the south from the wooded den that is the subject of Policies 2:107(ii)/2:108(ii). These policies encourage a community led initiative to enhance the den, “*with scope for improved footpaths, habitat management and open space*”, stating that “*Adjoining land could be used to create or extend a local park, in the event that it is released from its present use*”. The adopted local plan includes the objection site in the Landward area, in an area of servicing deficiency, and subject to a development restraint/agriculture. The City of Inverness East Inset Proposals Map in the DDILP/DDMILP appears to include the site within the Inverness settlement boundary, with an Amenity, “A” designation.

Brief summary of the main points raised by the objectors

Deveron Homes

23.8.3 Deveron Homes’ case regarding the quantitative need for additional housing land in the local plan area is summarised at paragraphs 22.19-22.22. It also submits that housing development on the objection site would accord with SPP 1, SPP 3, NPPG 17, and the draft SPP 17, in relation to effective, sustainable development, with Policy G2 of the HSP in relation to sustainability, and with Policies G4, R2, and S1 in providing local community benefits. In addition to the need to allocate the site to ensure that quantitative housing land requirements are met, and a 5 year land supply maintained, a range of housing opportunities has to be provided. The DDILP identifies Cradlehall-Westhill as a neighbourhood where the Council will support, or give priority to, initiatives to secure affordable housing and a higher proportion of accommodation for the elderly. It also identifies an imbalance in housing tenure/size.

23.8.4 The site is not in any of the Green Wedges described in Policy 2:41. The City and Culloiden District Proposals Maps do not show it as a Green Wedge, nor does the adopted local plan. The Council accepts that the “adjoining land” to which Policy 107(ii)/108(ii) refers could include the objection site. However, for this to be brought forward for recreational use, without development, would require a benevolent landowner or compulsory purchase. Neither of these options is realistic.

23.8.5 The objection site lies between 92-114 m AOD, well below the development limit of 125 m identified in the local plan. Development at Westhill rises to 130 m, and Milton of Leys will sit at 170 m AOD. An indicative Masterplan (DH3) shows 136 houses on the site, with access from the B9177. A retirement village of 30 units at the eastern end of the site, designed to accommodate their occupiers' transition into old age, together with a community building, could help meet the requirement for specialist housing identified in Policy H7 of the HSP, and in the local plan. The adjoining area to the west is shown with 68 mainstream houses, and 38 (or 28%) affordable units. THC's Housing Department has expressed interest (DH4) in this element of the scheme, as have Housing Associations. A community hall and neighbourhood shops could also be provided, and land set aside for the medical centre that Medical Centres Scotland agrees is required in this area.

23.8.6 The field to the west, through which the access road would pass, is subject to a legal agreement with the landowner to prevent built development. It would be offered to the Council for use as amenity open space or recreation. As the DDILP identifies a playing field as a service deficiency in the neighbourhood, this would help to meet the Council's aspirations, in conformity with the thrust of the Green Wedge strategy and with Policy 2:45 of the DDILP, regarding Trees and Parks. The nearest major sports facility, at Culloden Academy, is 3 km from the site. A panoramic storyboard could help to maximise views from the site, and form a "gateway" to Inverness.

23.8.7 THC's response to the objection indicated that access was the determining factor against zoning the site for housing, in that the roads serving Woodside and Brinkman Terrace to the north could not carry substantial additional traffic, access to the south would not allow a cohesive or integrated development, and a 200-250 m long access road from the B9006 over Council-owned land would not be feasible (THC-13/4). However, Council Roads officials have confirmed (DH6) that access from the B9177 would be logical, and that this road could accept additional use. There would be little traffic impact on the B9006 or the A96. To avoid encountering congestion to the north, most traffic would head south in the first instance to access the main road network, although the B9006/B9177 junction is due for upgrading. THC's argument that, while the B9177 would allow a technically suitable access, the site would not be sustainable, ignores the integration that formal footpath links through the wooded den, and enhanced recreational use of this area, would achieve. These links would also allow existing residents to walk or cycle to a shop, doctor's surgery, community hall and park at the site. There are bus services on the B9006, and DH6 refers to a possible service on the B9177, from Milton of Leys. A local operator has indicated a wish to operate a bus service on the site if the roads were suitable, although it is accepted this would also have to be financially worthwhile. Services have been introduced for 500 houses at Milton of Leys along a road similar in length to the access road to the objection site.

23.8.8 Infrastructure should be made available on a first-come/first-served basis, not reserved for particular developments, particularly where there are doubts over timescales. The DDILP confirms there is infrastructure capacity for 600 houses at Cradlehall/Westhill. Culloden Academy was due to be extended in 2002, and THC no longer sees a need to continue to reserve land for a new primary school at Woodside. While Scottish Water has been unable to confirm that there is water supply capacity for the objection site, the DDILP sites, some of which may not proceed within the timescale expected, could presumably be supplied. Surface water soakaways have been confirmed as feasible. There are no natural heritage designations or recorded archaeological sites on the site (DH11 and DH10).

23.8.9 The site lies within Local Landscape Character Type (LLCT) I - Linear Farmed Slopes with Shelterbelts - and immediately adjacent to Type J - Lowland Agriculture with Dormitory Village Expansion. Less than 2% of Type I land, which is well represented in the area, would be lost, and there would be a similar increase of Type J. Mitigation measures include retaining existing vegetation, watercourses and landforms, structural planting on the northern and southern boundaries, and a woodland/wildlife corridor in the glen. The new landscape characteristics that would be introduced would not ultimately be intervisible with other parts of the LLCT I area, and thus would not have a wider impact on its character. The slight adverse permanent impact on landscape character and on the setting of the City that would occur would diminish over time.

23.8.10 Figure 5 in DH12 shows that the site is only intervisible from the west, north-west and north with areas that are significant to the City's landscape setting. The access road would not be seen from any of these viewpoints and mitigation planting would, in time, provide a setting similar to that which already exists for Cradlehall. In the context of the City, the development would be viewed as a narrow horizontal strip, partly screened by vegetation, and in association with large area of housing on higher land. The slight adverse visual amenity impact that would occur would be temporary, and then imperceptible when the new planting matured. Views from the south are contained by a hill crest. Anyone approaching from that direction would already have passed Milton of Leys.

Mr D C Munro

23.8.11 Developing these fields would help alleviate the lack of low cost housing in the area and provide land for a badly needed play area. There would be no adverse effect on the remainder of Lower Muckovie Farm.

Brief summary of the Council's response to the objections

23.8.12 The objection site, at a typical residential density, could accommodate 170-200 houses. This would significantly increase the supply of housing land and could create a precedent for building beyond the City's limits. The Firthview-Woodside Development Brief (THC-10/6) indicates that the Cradlehall-Westhill neighbourhood is operating close to capacity in respect of infrastructure and service networks, particularly schools and distributor roads. Spare capacity must be reserved for the land already allocated and in the DDILP, which has planning permission for over 600 houses. Cradlehall Primary School will remain close to capacity, even with an altered catchment. Smithton Primary will be at capacity, when the Firthview-Woodside development is completed.

23.8.13 THC is keen to see the housing mix imbalance and service deficiencies in this neighbourhood addressed, on a suitable site. A determining issue in terms of this site's suitability for development is the ability to provide an access that would enable development to function as a coherent part of the urban area. The extraordinarily long, 500 m, access road from the B9177 shown in DH3 would not result in a cohesive or integrated development, and is unacceptable. The generally accepted standard separation distance from housing to neighbourhood facilities is 800 m. It is 1.8 km from the centre of the site, along the B9177, to the B9006 junction, and a further 800 m from there to the Cradlehall neighbourhood centre and primary school. The proposed access to the housing area also has the potential to open up the intervening land to the west for development.

23.8.14 When approaching from the south, along the tourist route to Culloden Battlefield and Cawdor Castle, the development would look like an isolated housing estate in the countryside. The site is in a Green Wedge. In any event, the same policies apply to Green Wedges and to Amenity land. The wooded den to the north of the site was previously part of a residual housing opportunity, but has become a heavily treed feature, separating the adjacent housing areas, and regarded and used as a local amenity. It contains a network of informal paths, and varying topography, including deeply incised burns. Forming access roads there would take up a substantial area of land and result in substantial tree loss. The Council has no proposals to develop this land.

23.8.15 There is a park, Maxwell Public Park, opposite Brinkman Terrace, and local schools are used as community halls. The Firthview-Woodside Development Brief identifies a possible, and more accessible, site for a hall in that area. There are 3 churches at Smithton. The offer of part of the objection site for recreation need not depend on development there. Pedestrian or maintenance access to open space could be provided from the adjoining housing area. Alternatively a local park could be provided on the Council's land, as part of a proposal to enhance the woodland as a public amenity. A playing field could be located within a Green Wedge adjacent to Cradlehall.

Conclusions

23.8.16 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area and related Green Wedge issues, at paragraphs 22.35-22.53.

23.8.17 Neither the City of Inverness East Inset Proposals Map and nor the Culloden District Inset Proposals Map appear to include the objection site within a Green Wedge. However, the City East Inset Map appears to include it in the settlement boundary, and subject to an "A" notation. This indicates a policy intention of safeguarding the site from development not associated with its purpose and function, which is agriculture.

23.8.18 My conclusions in Chapter 22 include that there is no need for the plan to allocate more land in order to meet to meet HSP housing land requirements for the period to 2011, in quantitative terms. I have also concluded, at paragraph 23.2.7, that considered overall, the plan provides for an adequate range and choice of housing opportunities. However, local qualitative aspects of the supply have also to be considered. Policy H7 of the HSP encourages the provision of a range of house types, particularly Lifetime Homes, of an appropriate scale, type, and location throughout Highland. It also requires local plans to identify suitable sites to meet the requirement for specific housing needs and, where there is a clearly demonstrated need, commits the council to securing a proportion of suitable housing, through negotiation, or other means.

23.8.19 These strategic policies raise issues that are pertinent to these objections. The DDILP states that greater choice in the specialist/rented sectors is required within individual neighbourhoods in Culloden District, and identifies an imbalance in tenure/size in the housing mix in Cradlehall-Westhill. The Council intends to support, or give priority to, initiatives to secure affordable housing and a higher proportion of accommodation for the elderly in this neighbourhood. Deveron Homes promotes the ability to address such deficiencies as an advantage of the objection site.

23.8.20 The Council's view that spare infrastructure capacity in the Cradlehall-Westhill neighbourhood ought to be reserved for housing allocations proposed in the plan appears to derive from the assumption that these sites, by virtue of being allocations, are more deserving of infrastructure than alternative or additional sites promoted by objectors. However, this overlooks the statutory right to challenge local plan proposals. The Council's approach also assumes that sites in the plan will proceed within the timescales it expects, whereas in practice a degree of slippage seems likely.

23.8.21 In any event, the evidence indicates that there are unlikely to be insurmountable infrastructural constraints to housing development on the site. There is a good prospect that a technically suitable access to the B9177 could be provided, albeit extending outwith the land identified on the plan attached to the Deveron Homes objection. It would be open to the Council to seek a developer contribution to address any school capacity problems that arose as a result of development at the site, and the local plan could be worded to reflect this. The objector is also prepared to make land available for other community facilities, including a playing field, parkland, and hall, which the DDILP identifies as service deficiencies in the neighbourhood. This offer is unlikely to be made unless the site is developed.

23.8.22 As stated at paragraph 22.2, SPP 3 acknowledges that extensions to settlements can have advantages, but stresses that such extensions need careful planning, and that the landscape setting of towns and villages must be respected. Local plan allocations require to take into account the criteria in HSP Policy G2. These include landscape impact, and a demonstration of sensitive siting. This suggests that a site judged to be significantly detrimental in terms of these criteria would not accord with the structure plan.

23.8.23 The objection site is set below the 125 m contour that the DDILP regards as the acceptable upper limit for new development at Inverness, and at a lower level than housing areas being developed to the east and west. Viewed at a distance from the north, north-west, and west, the site forms part of the City's setting. However, I consider that it is capable of accommodating a housing development that would appear in this context as a fairly narrow horizontal strip, and in association with housing on higher land. I conclude that a suitably designed development need not detract from the setting of the City. The hill crest to the south would serve to contain longer-range views from that direction.

23.8.24 However, the existing housing to the north of the objection site that represents the present southern extent of built development in this part of Inverness is visually contained by woodland. The objectors' proposal would thus extend built development beyond this established landscape threshold, onto higher land. Although new houses on the objection site would be set well back from the B9177, parts of these would be seen. The new road would introduce a more obvious and discordant urban element into what is otherwise a rural landscape. I conclude that a housing development on the objection site, together with the access road, would not demonstrate sensitive siting.

23.8.25 As far as sustainability is concerned, SPP 1 states that the aim of the planning system is to ensure that development and changes in land use occur in suitable locations and are sustainable. SPP 3 states that patterns of development should seek to reduce the demand for travel and reliance on the private car, and help to reduce general energy consumption, while NPPG 17 expects local plans to set out policies and proposals for the allocation of housing, employment, schools, and leisure development integrated into effective networks for

walking, cycling and public transport. Policy G2 of the HSP includes accessibility by public transport, cycling, and walking, as well as car, as an assessment criterion.

23.8.26 Public transport, and easy access on foot to local services and facilities, are likely to be of particular significance on a site where retirement homes, and affordable housing are envisaged. In this case, there is a reasonable prospect that a bus service will be introduced to the B9177. A bus service on the site is also a possibility, provided roads were suitable, and an operator regarded a service as financially worthwhile. In that latter regard, it is significant that the service at Milton of Leys mentioned at the inquiry served 500 houses. If a service was not introduced to the site, which is uncertain, residents would have the option of walking between 500-1000 m to the B9177, or up to 400 m to the B9006. DH6 indicates that the maximum acceptable walking distance to a bus stop is 150 m.

23.8.27 It appears likely to be physically feasible to provide pedestrian and/or cycle links to the north, either to an existing cul-de-sac, if ownership allows, or through the wooded den. The latter has matured over the years, is clearly used for recreation, and no longer has the character of a potential housing site. Policy 2:108(ii) therefore deserves to be supported.

23.8.28 However, these links are unlikely to be attractive in bad weather and/or darkness, particularly for elderly residents and children, and those faced with carrying shopping uphill. In the light of these factors, travel by car to and from what is an elevated and relatively climatically exposed location would often be the favoured option, albeit involving a significantly longer journey.

23.8.29 These disadvantages would apply to residents of the site, and to those travelling from existing housing areas to use any community facilities provided on the site itself. The objectors also expect most car drivers heading for the City to opt to head south on the initial part of their journey to avoid potential congestion at Inshes and the B9006, on the more direct route. I conclude that the site is not well placed with regard to the provision of the type of effective public transport, walking, and cycling network required to achieve of sustainable travel patterns.

23.8.30 Drawing these matters together, I conclude that the site has disadvantages in terms of landscape siting, and serious disadvantages in terms of sustainability. While a housing development could assist in addressing some acknowledged deficiencies in the neighbourhood, including in housing type and tenure, it is important these are provided in suitable locations. The DDILP specifies some provision for affordable housing at Firthview-Woodside, at Moray Place, and Cradlehall Farm, all locations where planning permission has been granted. There is already a more accessible park in the general vicinity and measures are in place to address some other deficiencies. The circumstances of the quantitative housing land supply do not assist the objectors' case. In any event, I would not have recommended that this site be allocated, irrespective of the circumstances of the land supply.

Recommendation

23.8.31 I recommend that no change is made to the local plan in response to these objections.

23.9 BEECHWOOD FARM

Objector: Crofters Commission on behalf of the Scottish Executive (95) Procedure Public Inquiry

Synopsis of objection

23.9.1 An absolute presumption against development in the Beechwood/A9 Green Wedge does not reflect an appropriate balance between the potential for development and open space at Beechwood Farm. The existing buildings on the farm should be promoted for new uses; land north-east of the main railway line allocated for business development, as an extension to the business park at West Seafield; and the south-eastern part of the farm allocated for housing, leaving the remainder as open space.

Reporter's note: As previously stated, the objector elected not to pursue its objection that Beechwood Farm ought to be considered as a location for a major convenience retail store.

Factual background

23.9.2 Beechwood Farm (CC1/95) lies to the east of the A9, north of the B9006. Most of the land is south-west of the railway line and north of Cradlehall Road. The remainder, to the north-west of the railway line, lies between the railway and the IRBP. Business and housing development is underway to the east, at Cradlehall Farm.

23.9.3 In the adopted local plan, the farm is wholly within the Beechwood/A9 Green Wedge. The majority (north of the steading) is shown as prime agricultural land. The entire farm is subject to Policies 6.5.4, 6.5.5, and 6.5.8 (as a major road buffer). Policy 6.1.9 (which presumes against development on account of drainage problems) applies south of the railway. The DDILP continues the Green Wedge concept, and also shows the farm subject to the Amenity "A" Settlement Policy.

Brief summary of the main points raised by the objector

23.9.4 Beechwood Farm extends to 83 ha. It is owned by the SE, and managed jointly with 2 other farms at Inverness. However, it has been recommended for closure, at some stage after April 2006 and the objector is obliged to secure the best use and value for it. The land will soon look neglected when active farming ceases, and the farm buildings will become unsightly unless new uses are found for them. A comprehensive package of proposals, using the land values generated by development, would provide significant long-term benefits for the community, in the form of land, with public access, and contributions towards new and earlier infrastructure.

23.9.5 The HSP and national policy seek to safeguard prime quality agricultural land from development, unless this can be shown to be justified. However, THC did not raise the loss of prime land as an issue at Beechwood and the DDILP intends the area to be managed for amenity and recreational purposes. Most of the land between Culloden/Smithton and the A96, including the proposed allocations at Ashton and Stratton, is prime quality.

23.9.6 The HSP makes no reference to Green Wedges. Given their extent, and the Council's restrictive policy, which is stricter than applies in green belts, the structure plan should provide the strategic guidance that SDD Circular 24/1985 (CC3/95) requires to be provided for green belts. Reuse of redundant buildings at least should be allowed. Green Wedges also seem to have been defined without specialist landscape advice. The only reference to Beechwood in Policy 2:41(v) is "farmland to the A9", but there are only limited views of this land from the A9. The local plan also fails to explain what leisure/recreational uses are intended, although NPPG 11 requires local plans to identify locations for recreation/open space. Policy 2:42 does not explain how land is to be secured for public use, the funds that will be available for acquisition or management, or how deterioration "as farming retracts" is to be avoided in the interim. The section 75 agreements envisaged in Policy 2:36, could only work where land is proposed for release, and is in the same ownership or control as the "residual" land.

23.9.7 The fundamental issue is how much of Beechwood Farm needs to remain as a Green Wedge. The objector's package of proposals, which is divisible, is illustrated in Figure 5 of CC2/95. This comprises:

- a 7 ha extension to the IRBP, north-east of the railway;
- 15 ha of residential land as an extension to Cradlehall;
- conversion of the farm buildings, to business/recreational or residential use; and
- 59 ha (72% of the holding) for recreation, with planting, and new cycle and pedestrian routes to secure public access to the open space, and through the area.

23.9.8 The 25,000 population to which THC refers includes Inshes, Milton of Leys, and Culduthel-Slackbuie, which will be served by other Green Wedges. The open space and woodland envisaged in CC2/95 would provide a new post-agricultural landscape, in accordance with Policy 1.4.12 of the adopted local plan and with the Green Wedge concept in the review local plan; and help address the acknowledged deficiency in playing fields at Cradlehall/Westhill.

23.9.9 The funding currently available to the Council is too little and comes too late. It could cost £6.5 m to establish a Green Wedge on the 50 ha south of the railway, and £650,000 on the 11 ha to the north. Annual maintenance costs in each case could be £500,000. Without other large housing allocations to make up the shortfall, grant aid and community sources could have to fund the balance, plus acquisition costs. The objector's proposal would provide an opportunity to secure at no cost (within an overall package) sufficient land to meet the playing field/open space deficiency, at an accessible location, while also reducing the Wedge to more manageable proportions. The parkland setting proposed by the objector would improve a rather open, featureless landscape, provide high quality settings for new development, enhance the settings of the A9 and Cradlehall-Westhill, and improve screening for West Seafield. Wildlife habitats, and biodiversity, would be increased, in line with other DDILP policies. New pedestrian and cycle routes would link Cradlehall-Westhill with the open space/woodland, the IRBP (to which a route is being negotiated through the farm), and in due course, Ashton campus. National Cycle Routes (NCR) 1 and 7 could be diverted off the B9006, through the site, and across the A9 via a new overbridge, thus supporting the Paths Around Inverness initiative.

23.9.10 Business use is established at the eastern periphery of the City and it would be logical for expansion to continue. The land north-east of the railway adjoining the IRPB is

ideally suited for this. It is better located than alternative sites to meet market and investor needs, and is thus more likely to allow Inverness to compete for locationally mobile companies. The only remaining site at Beechwood Business Park has permission for a bingo hall, and the Cradlehall Farm development is well underway. Longman and Carse Industrial Estates are primarily industrial/trading estates, do not offer suitable business environments, and could not secure the rentals required for viable investments. Recent office developments at Longman are owner-occupied, and relate to other premises in the same occupation elsewhere on the estate.

23.9.11 THC agrees that the supply of business and industrial land is being reduced. CD40 identifies a shortfall of 60 ha of industrial, business and distribution land and identifies the A96 between the A9 and the Airport and Ardersier Yard as a possible strategic industrial cluster. It is unclear whether the DDILP identifies adequate business land, or how this relates to the 20 ha supply required by HSP Policy B3. Although the 28 ha that THC claims exists in this area exceeds the Policy B3 requirement, on paper, it is questionable whether this is available, or realistic. Stoneyfield is either being developed or is spoken for. The Cradlehall Farm development (where 4 of 6 pavilions remain to be built, on the balance of a 2.7 ha site), and the 2 ha allocation proposed at the Forestry depot at Smithton, were not part of the 28 ha, and would off-set arithmetically the 4 ha at Stoneyfield that the Council includes in the 28 ha. However, ground conditions at Smithton are questionable, and it is not an attractive investment opportunity. Cradlehall Farm is less well located than the IRBP in terms of accessibility by public transport, and from the A96, and facilities for staff. Proximity to the City and facilities is more important than high visibility. As Stratton is also less convenient for the City, and thus less attractive to business, it is accepted that an allocation at Beechwood would affect Stratton's marketability, at least until the IRBP expansion was complete.

23.9.12 The Beechwood Farm land north-east of the railway reads, in landscape terms, as part of the IRBP, which has a stub road near the mutual boundary. SPP 2 advocates the juxtaposition of uses at key locations to increase accessibility, and reduce trips by car. The IRBP is already a major shopping and entertainment location and new links through the farm would improve pedestrian and cycle accessibility from the south. The IRBP has bus services, and the DDILP promotes it as a possible rail halt and park and ride location.

23.9.13 As far as the objector's housing proposal is concerned, the DDILP allocations will fall short of HSP requirements, for the reasons explained in Chapter 22. Fig 2 in CC2/95 shows that Beechwood Farm lies within the same LLCT as the settlements to the south. The Cradlehall Farm development extends beyond a break of slope, and onto flatter land. The 2 fields to the south of Caulfield Road North are beginning to look increasingly isolated from the rest of the farm, as development and traffic increases. Planting would be provided to "create" boundaries to new housing areas there, and reflect, in time, the wooded and enclosed feeling of the established residential areas to the south.

23.9.14 These housing and business developments would have only a slight adverse permanent, but diminishing, impact on the landscape character of the site and the setting of Inverness. The recreation/open space areas would have a moderate positive permanent impact, which would increase as trees matured. In terms of changes to visual amenity, the housing would have a moderate adverse temporary impact on local views, reducing to slight adverse. Impacts in longer views (over 2 km) would largely disappear over time. The business development would have a substantial adverse temporary impact on local views, but would reduce to a slight adverse permanent impact. Impacts on longer views would be

moderate adverse permanent at first, but reduce over time. The visual impacts of the 72% open space component would increase, to substantial positive, and permanent. A more effective and attractive buffer to the A9 than currently exists would be provided, in conformity with the 150-250 m guideline separation distance identified in the adopted local plan, and with well defined new development boundaries. Structural planning and the transfer of open land to public control would prevent coalescence, and secure the council's objectives more effectively than its own tentative approach.

23.9.15 Culloden Academy is to be extended and the fact that it is over capacity has not prevented planning permission being granted at Firthview-Woodside. Primary school catchments are to be changed, and the new school site at Woodside is no longer to be reserved. About 60 primary school places will be available, enough for 200 houses, even if the Council's assumptions regarding house completion rates are met. Road improvements have been done in association with the Cradlehall Farm development, and traffic lights are to be installed at the Caulfield Road North/B9006 junction, and at Inshes Roundabout. Contributions by developers at Beechwood Farm could bring forward these improvements. THC engineering officials have indicated that that flood risk from the Scretan Burn could be resolved by improving an existing railway culvert. SUDS drainage could be provided if soakaways proved difficult. The strong landscape setting proposed for the IRBP extension would be compatible with a setting for the Ashton campus, which could be linked by pedestrian/cycle routes. The link road to Ashton could be safeguarded, or built, as part of the business expansion, depending on the relative timing of the 2 projects.

Brief summary of the Council's response to the objection

23.9.16 Beechwood Farm occupies a pivotal location close to the A9/A96, separating the Districts of Millburn and Culloden and the neighbourhoods of Cradlehall-Westhill, Culcabock-Drakies, and Inshes, together with major commercial and business parks at West Seafield and Beechwood. This area acts as an effective "buffer" along the A9, defines the built-up area, and prevents coalescence. Inverness has major parkland in the Bught area towards the west of the City; and further strategic recreational open space is identified at Longman Bay. Beechwood is ideally placed to function as a strategic park, accessible to the newer communities towards the south-east of the City. More locally, a shortfall of some 10 ha. of sports pitches or similar provision in Culloden District needs to be met.

23.9.17 Green Wedges have been established through successive local plans and are integral to the City's structure. The Green Wedge strategy, which is being implemented is being progressed by the City Partnership, endorsed by the SE, seeks to secure these in perpetuity. The land that the objector is promoting for development represents 25-30% of the holding and a very significant intrusion into this Green Wedge, which is part of the setting for Culloden and provides the "lungs" for 25,000 residents in the south and east of the city. The objector's proposals would significantly change the area's open character and the amenity of public routes in the vicinity, including the NCR, and the proposed multi-user route through West Seafield, Ashton and beyond. Development would also be unduly prominent from the B9006 (tourist) route into the City.

23.9.18 The DDILP makes clear that Green Wedges will serve a range of purposes. The term "City common" implies an extensive area. A smaller area would dilute the ability to accommodate a diversity of uses. Developing the fields to the south of Caulfield Road North for open space or as playing fields would be better for the adjacent settlements than more

housing. It will fall to the Green Wedge Project Officer to draw up cost estimates for acquisition, development and management. The objector's estimates are speculative. Where section 75 agreements are not secured, land could be acquired or managed under the auspices of the Trust. Compulsory purchase could also be an option.

23.9.19 At the prevailing residential density, the housing objection site could accommodate 300 additional houses. It would therefore represent a significant increase in the capacity of the City's supply of housing land, contrary to the SE's advice. Infrastructure and service networks in the Cradlehall-Westhill neighbourhood, particularly schools and distributor roads, are operating at or close to capacity. Spare capacity must be reserved against the land proposed to be allocated in the local plan. This has capacity (and planning permission) for over 600 additional houses, together with business park and community facilities. While the Council has not investigated the specific infrastructural consequences of development at the site, it adjoins the Scretan burn. A 2003 flood occurrence caused considerable concern in the Culloden area. It is a function of Green Wedges that they remain an outlet for flood water. It would not be appropriate to promote land for development where there is susceptibility to flooding and alternative building opportunities exist.

23.9.20 Business development north of the railway would prejudice the setting of the Ashton campus and encroach on the margins of the railway. The Local Plan strategy - in pursuit of sustainable urban communities with a choice of housing, jobs and community facilities - identifies District employment opportunities, including 4.8 ha at Smithton and Cradlehall Farm. As part of an total of more than 50 ha, comparable business locations on strategic sites on the edge of the City or at other district employment centres, extend to almost 30 ha. This excludes the Action Areas with potential for economic development; and the potential for regeneration/redevelopment at Carse and Longman estates. Set against an overall and long term need of 66.0 ha. (including Nairn) to 2016 there is no case for allocating further business land at present.

23.9.21 The prospect of securing traffic improvements and addressing the shortfall of recreational facilities in Culloden District at the expense of a substantial part of the Green Wedge is not acceptable to the Council. Any planning agreement would require to comply with SDD Circular 12/1996, which states that extraneous inducements or benefits should not influence the decision of a planning authority, and that unacceptable development should not be permitted because of the offer of unrelated benefits. The nature and extent of works affecting trunk roads would also require the agreement of the SE RNMD, as indeed would Stratton and Ashton.

Conclusions

23.9.22 I adopt my account of the factual background to this objection, together with my conclusions regarding housing land supply in the local plan area, and related Green Wedge issues, at paragraphs 22.25-22.53.

23.9.23 The Consultation Draft SPP 15 confirms that it continues to be national planning policy that prime quality agricultural land is protected, where appropriate, by planning authorities. The HSP also seeks to protect prime quality agricultural land from development, except where the development is essential to the interests of the local community, and no reasonable alternative location is feasible. THC-18/BEA2 relates to a procedural change, whereby the statutory obligation to notify Scottish Ministers regarding certain proposals no

longer applies. It also confirms that prime land will continue to be protected through relevant policies in NPPGs and Circulars. The DDILP identifies prime agricultural land as a Policy BP3 feature, and therefore subject to a presumption against development.

23.9.24 Much of the agricultural land to the east of Inverness is prime quality. However, the DDILP proposes to allocate sizeable sites for development in this general location. In the main these allocations are carried forward from the adopted local plan, when agricultural land was arguably subject to greater protection than it is now.

23.9.25 The objector expects Beechwood Farm to become surplus to its requirements, after April 2006, when it will be obliged to secure best use and value for its land interest. However, at the time of the inquiry, a final decision regarding the closure of the objector's operation had not been taken. If this occurs, the standard to which the land is managed, and the buildings are maintained, could decline. However, I am not persuaded this is inevitable, or that the land in particular would become unsightly. It is not uncommon for grazing to be let, and used in association with land at another location.

23.9.26 The HSP does not refer to Green Wedges in terms. However, some of the purposes that THC intends Green Wedges to serve are the subject of HSP policies. Policy SR6 promotes the development of access and paths, while Policy SR7 states that the Council will progress Countryside Around Towns partnership projects, including around Inverness. The City-Vision develops these themes, and the City Partnership has agreed to form a Greenspace Partnership, with a view to co-ordinating the management of land, including in Green Wedges, through a Green Spaces Trust. To this end, funding in excess of £100,000 has been allocated to initiate a "theme project". While the establishment and maintenance costs the objector described at the inquiry are not stated to be based on any particular proposal or specification, these nevertheless indicate that active management of the Green Wedges identified in the plan for public use is likely to require substantially greater resources than are currently available to the Council and its partners. It is also unclear how the Council would secure large areas of land for public use. The section 75 agreements envisaged in Policy 2:36 are only likely to be secured in association with development. Compulsory purchase or acquisition by agreement would have further resource implications.

23.9.27 There is no evidence that Green Wedge boundaries in the adopted local plan, or in its intended replacement, are based on a landscape assessment. The boundary at Beechwood at least appears to reflect landownership.

23.9.28 The objector does not object to a Green Wedge at Beechwood Farm in principle, but to the local plan's insistence that the farm remains wholly free of development. It is willing to make over 70% of the holding available to the council for Green Wedge purposes, in the event that housing and business development is permitted on the remainder. This could secure a significant "planning gain". The Firthview-Woodside Planning Brief identifies a deficiency in playing fields at Cradlehall/Westhill, and states that land north of Smithton and West of Cradlehall could provide a suitable location. There is also considerable scope to provide pedestrian and cycle links to popular City destinations through the farm and for landscape, habitat and biodiversity improvements. The objector's proposal would maintain a 150-200 m buffer to the A9. There is no evidence that any infrastructural constraints, including flood risk, are unlikely to be insurmountable.

23.9.29 However, the issue is whether, in land use terms, this local plan should make the housing and business allocations sought by the objector. This stands to be determined in the context of national and HSP housing and business policies, the availability of other land for these purposes, and site specific circumstances at this location.

23.9.30 As far as housing land is concerned, I have already concluded that there is no need for the local plan to allocate more land to meet HSP requirements, in quantitative terms. I have also concluded that, considered overall, the plan provides for an adequate range and choice of housing opportunities. However, the allocation of additional land can sometimes be justified for other reasons.

23.9.31 SPP 3 and the HSP prefer, other things being equal, housing development on brownfield or infill sites rather than on greenfield land. SPP 3 acknowledges that extensions to settlements can have advantages, but stresses that such extensions need careful planning, and that the landscape setting of towns and villages must be respected. The HSP requires local plan allocations to take account of the criteria in Strategic Policy G2, which include some of the considerations I have already addressed, and landscape and sensitive siting.

23.9.32 The objector proposes to leave significant parts of the most visually obvious areas of the farm free of built development, including from the A9. However, while development at Cradlehall extends beyond a noticeable break of slope, the fields that are promoted for housing still form an important part of the landscape setting for Culloden. These are also well-placed in locational terms to meet acknowledged recreational needs in this area. Notwithstanding my conclusions at paragraph 23.9.26, it would be unfortunate if this option was to be pre-empted for the future, at a time when there is an adequate housing land supply.

23.9.33 That said, I regard the absolute prohibition of development in Green Wedges in Policy 2:41 as unnecessarily strict. Taken to a logical conclusion, this would prevent even agricultural, forestry and ancillary domestic development, where subject to planning control. A policy that presumed against development likely to prejudice the intended function and purpose of Green Wedges would safeguard Green Wedge interests equally well. This would allow a case to be made for the re-use of redundant buildings, on their merits.

23.9.34 As far as business land is concerned, CD40 predates the approval of the HSP. The quantitative provision that Policy B3 requires at Inverness is that 20 ha of land for general industry and business will always be available. The objector does not argue that the 7 ha allocation that it seeks at Beechwood would provide the new high quality strategic business site that Policy B2 requires to be identified on the A96 corridor. Paragraph 2.6.9 of the HSP appears to expect this strategic site also to accommodate distribution activity and to be closely related to future housing provision.

23.9.35 Business and industrial use is already established in the eastern part of the city, and paragraph 2.3 of the DDILP refers to the Raigmore/Beechwood-Stratton axis as a major employment location. The land allocations proposed in the DDILP at Inverness amount to 58 ha, not including Action Areas, or potential regeneration/redevelopment opportunities at the Carse and Longman estates. The allocations in this part of the City alone are about 28 ha. The latter includes 18 ha at Stratton that THC considers should be brought forward soon, and reports increased take-up rates. However, the industrial/business land supply also has qualitative parameters. SPP 2 expects development plans to maintain a supply of sites, offering choice of size, location, and environmental amenity, and allowing flexibility to

provide for market uncertainty. The evidence indicates that high quality business land opportunities in accessible locations and likely to be attractive to incoming companies are becoming limited at Inverness. The remaining business site at Beechwood Park may be developed for another purpose. While the Council's concern that an additional IRBP allocation would delay development at Stratton is understandable, the infrastructural and economic constraints that require to be resolved there could well frustrate the aspiration for this land to be brought forward sooner rather than later. The Airport Economic Development Initiative, if it proceeds in the form envisaged in the DDILP, is likely to be a long-term option, and to depend on very large scale funding that remain to be secured.

23.9.36 In the light of all that, there is much to be said for a 7 ha business site adjoining the IRBP. This would help maintain continuity in supply, in a location highly accessible from the main road network, convenient for local amenities and facilities for staff, including hotel accommodation, and by non-car travel from housing areas in the vicinity. The opportunity to facilitate access to the Ashton campus is a further advantage. Importantly, it is a relatively self-contained site that would not pre-empt long-term development options for the future at a time when these are under consideration by the Council. The objector's proposal is promoted as an overall package, but divisible. Drawing these matters together, I conclude that the 7 ha site promoted for business use should be allocated, subject to development being laid out to facilitate access to the Ashton campus site.

Recommendation

23.9.37 I recommend that:

(1) the 7 ha site promoted by the objector for business use is allocated for this purpose, subject to development being laid out to facilitate access to the Ashton site.

(2) Policy 2:41 is amended to read:

"The Council will safeguard and seek to open to public access, six major "Green Wedges" of strategic importance to the setting of the City. There will be a presumption against development likely to prejudice the intended purpose and function of these defined areas. ...".

23.10 LAND OPPOSITE RAIGMORE TOWER

Objector: John Marr Architects (195)

Procedure: Written submissions

Synopsis of objection

23.10.1 Land at Culloden, on the south side of the B9006 opposite Raigmore Tower, should be allocated for housing.

Factual background

23.10.2 The objection site is located at the southern edge of Culloden, on the south side of the B2006, to the east of Easter Muckovie. It is a triangular grass field rising gradually to the south. There are 3 houses further to the south and 3 other houses to the east. On the north side of the road, opposite the site, are housing developments at Leanach Court and Tower Brae. In the adopted local plan, the site is subject to a strong presumption against sporadic development, imposed, *inter alia*, to protect the setting of the settlement.

Brief summary of the main points raised by the objector

23.10.3 This 2 ha site is wedged between existing and proposed housing areas. The existing settlement lies to the north. The 3 houses to the south are substantial and set in large grounds, while the 3 houses to the east are laid out in a compact area. The Council granted permission for a further house there in 2002. In addition to this, the DDILP proposes to allocate 2.6 ha of land at Easter Muckovie for housing. The objection site could easily accommodate a small, low-density, high quality housing development of 2 or 3 houses to reflect the dwellings to the south. A satisfactory vehicular access off the B9006 has existed for many years. All other essential services are to hand.

Brief summary of the council's response to the objection

23.10.4 This land is elevated, open and exposed, breaches the 125 m limit for development identified in DDILP, and is separated from the existing urban edge by the B9006. The objector's proposal would involve suburban building in a rural landscape, and intrude on the experience of the tourist route to Culloden Battlefield and Cawdor Castle, which are nationally important visitor sites. The site also lacks definition in terms of landform or vegetation and could set a precedent for further building. Housing development at this location would also be disrespectful of representations made to the CDLP regarding the continuation of established safeguards.

Conclusions

23.10.5 I adopt the account of the factual background to these objections, together with my conclusions regarding housing land supply in the local plan area at paragraphs 22.35-22.53. On the basis of these conclusions, there is no need for the local plan to allocate more land to meet HSP requirements for the period to 2011, in quantitative terms. I have also concluded, for the reasons explained at paragraph 23.2.7, that, considered overall, the plan provides for

an adequate range and choice of housing opportunities. It is impractical to seek to meet all housing aspirations at every location.

23.10.6 The City of Inverness East Inset and Culloden District Inset Proposals Maps show the objection site outwith the City of Inverness settlement boundary, which coincides with the B9006 at this location. This road provides clear definition between the suburban residential housing development to the north, and the countryside beyond. The objection site thus reads as part of a generally open, largely agricultural, landscape. The 3 houses to the south are set well back from the road, and are surrounded by agricultural land. A clear distinction can also be drawn between the 2 ha objection site, and the 3 houses to the east. These are, as you say, laid out in a compact area. This allocation at Easter Muckovie proposed in the DDILP is on much lower ground.

23.10.7 The objection site is prominent from the B9006, elevated above the 125 m contour, and is particularly conspicuous when approaching uphill from the west. I conclude that a housing development, even at the very low density suggested by the objector, would seriously detract from the amenity of what is likely to be a popular tourist route. It would also seriously erode the definition between town and countryside which, notwithstanding the recent planning permission to which the objector refers, and for which the Council offers no explanation, remains relatively clear at this location.

Recommendation

23.10.8 I recommend that the local plan is not changed in response to this objection.

23.11 LAND AT CRADLEHALL

Objector: Mr F Hutcheson (134)

Procedure: Public Inquiry

Synopsis of objection

23.11.1 The objection site should be designated for paddock style housing plots.

Factual background

23.11.2 The objection site is a field to the south of the main Inverness railway line, between houses at Caulfield Road North and Cradlehall Farm Drive. It is the subject of a section 50 agreement (THC-13/9) relating to an outline planning permission granted in 1993 for mixed development, including 10 house plots adjoining the objection site. The agreement allows the site to be used only as stables and horse grazing.

Brief summary of main points made by the objector

23.11.3 The A96 Corridor Framework Plan Policy Statement 1990 included this part of Cradlehall within a residential area, for playing fields or equestrian facilities. The adopted local plan diluted open space provision by identifying 2.6 ha with potential for “paddock housing/section 50 agreement”. Open space was further reduced by office development north of Cradlehall Farm Road, and again by housing and business development south-west of Cradlehall Farmhouse. As a result, there is no “Green Wedge” left at Cradlehall between the A9 and the railway line. The area should therefore be looked at on a more local level, and allocated to reflect the intention of the 1990 Framework Plan, namely for “very low density prestigious housing in selected locations”. Document 134/1 shows that THC has allowed houses in Green Wedges elsewhere at Inverness. The Green Wedge to the north-west of the objection site indicated in the City-Vision cannot be extended through this area because of built development to the east. The site itself is not within any of the areas that the DDILP lists as comprising the Beechwood/A9 Green Wedge, nor is it visible from the B9006 approach to Inverness.

23.11.4 The objection site has no agricultural value, is separated from other farmland by housing, and its limited size and proximity to houses prevent it being used for equestrian purposes. A suitable layout could retain some open space value for the adjacent houses. Identifying it for paddock style housing, subject to amenity safeguards, would help meet a need for larger housing plots in the Culloden-Cradlehall area, and facilitate an approach to the Council and/or the Lands Tribunal to have the agreement rescinded.

Brief summary of the Council’s response to the objection

23.11.5 The Council accepts that the objection raises local amenity, rather than Green Wedge issues. The section 50 agreement was drawn up to safeguard the open character of adjoining land and THC granted planning permission on that basis. The safeguards conferred by the agreement provide amenity for adjoining occupiers. As matters stand, there is no justification for a local plan policy commitment to rescind the agreement in favour of

additional housing, particularly where this was material to securing a specific form of development and adjoining open land. While it is difficult to say whether the Council would have allocated the site if the agreement had not existed, any rescinding of the agreement ought to be pursued through the development control process, not through the local plan. It is also unacceptable for the local plan to face prospect of further objections in the event that adjoining occupiers regarded a housing allocation as unacceptable.

Conclusions

23.11.6 I adopt my account of the factual background to this objection, together with my conclusions regarding housing land supply in the local plan area, and related Green Wedge issues, at paragraphs 22.35-22.53. On the basis of these conclusions, there is no need for the local plan to allocate more land to meet HSP requirements, in quantitative terms. I have also concluded, for the reasons explained at paragraph 23.2.7, that, considered overall, the plan provides for an adequate range and choice of housing opportunities, including opportunities for paddock-style plots. It is, in any event, impractical to seek to meet all housing aspirations at every location.

23.11.7 It is not clear whether the City of Inverness East Inset Proposals Map includes the objection site within a Green Wedge, although it might have been construed at one time as encompassed by the description of the Longman/A96 Wedge, which includes “*agricultural units adjacent to the eastern approaches and through to Culloden*”. However, it is included within the City boundary, and subject to an “A” notation. This indicates a policy intention of safeguarding the land from development not associated with its purpose and function, which is pasture land.

23.11.8 In any event, the Council agrees, and I concur, that the objection raises essentially local amenity, rather than Green Wedge, issues. In this respect, while the site is likely to be valued in its open state by adjoining residents, the character of this locality is continuing to change, as further development takes place. The existing house plots, more substantial development underway to the west, and the railway line to the north, divorce the site from other open land beyond.

23.11.9 While some limited housing development could be feasible on a part of the site, for land to be allocated for housing in a local plan, it should be capable of becoming effective, and available for development within the plan period concerned. As matters stand, the objection site is subject to a legal restriction that prevents built development. Whatever the situation on the ground, I cannot anticipate the outcome of any future consideration by the council, or by the Lands Tribunal, of any formal application to rescind this agreement. I conclude that the site should not be allocated for housing.

Recommendation

23.11.10 The local plan should not be changed in response to this objection.

23.12 ASHTON FARM

Objectors: Messrs H & K Munro (94)

Procedure: Public inquiry

Synopsis of objection

23.12.1 The south-eastern edge of Ashton Farm, adjoining the northern edge of Smithton at Resaurie should be allocated for housing.

Factual background

23.12.2 The City of Inverness East Inset Proposals Map shows the land between the southern boundary of the Ashton Action Area (the Ashton Campus) and Smithton, including the area that is the subject of this objection, subject to an “A”, Amenity, designation.

23.12.3 The ICALP allocates the 60 ha site that is the subject of the campus reservation in the DDILP for the longer term development of an integrated campus, comprising “*further educational, training, business and supporting services*” and as “*suitable for potential establishment of a Highland University or re-location of Inverness College ...*”. The land between the southern edge of the allocation and the railway line is identified for recreation/open space, with possible potential for a country park.

Brief summary of the main points raised by the objectors

23.12.4 Until recently, Ashton Farm was a viable agricultural unit. However, the farm is not large enough to deliver a satisfactory return now. Encroaching urban development has also made farming more difficult. The IEL Landscape Character Assessment notes that agricultural use in this area appears to be under threat, and that its contribution to the current character will decline, leading to a reduction in quality and value.

23.12.5 New housing would not prejudice the Council’s aspirations for the campus, which could provide its own setting. There is therefore no need to reserve the south-eastern part of the farm for this purpose. Low density housing, say 5 units/ha on 7-8 ha of land adjoining Resaurie/Smithton, would not materially affect the overall land supply. It would be a useful windfall site, improve choice in an area where low density housing is in short supply, and provide a logical rounding-off of the existing urban edge. The local plan over-provides for open space. It is unnecessary to retain this part of the “Green Wedge” to protect the environment, or the landscape setting of this part of the City. Low density housing would not significantly affect traffic on the local distributor road, Murray Road, where traffic calming could be introduced. Access could also be provided from another direction when the road layout for the campus is known. THC does not appear to regard the possibility of flooding as a problem for the campus.

Brief summary of the Council’s response to the objection

23.12.6 The housing objection site affords fine views from the NCR and pedestrian route through Ashton towards the Moray Firth and Black Isle. Existing development at Resaurie is

fragmented, low density and traditional in form. It is quite separate from the predominantly public sector housing at Smithton and provides a transition between the built-up urban area and the Ashton campus site. Local residents and the wider public derive considerable amenity from this arrangement. The cycle/pedestrian route is an important local thoroughfare, linking Cradlehall to District facilities at Culloden in one direction; and providing a connection from Culloden to Inshes and the City in the other. The objection site also straddles the access to Ashton Farm, which the local plan earmarks as a multi-user route through the campus site to West Seafield.

23.12.7 The plan also proposes substantial housing allocations in mixed residential neighbourhoods, which provide a variety of house types and market opportunities. As the redrawing of primary school catchments in association with development at Firthview-Woodside will take Smithton Primary School to its present limit, 40-50 houses on the objection site could result in capacity problems. Vehicular access would be required from Murray Road, which is also operating close to capacity. Remaining capacity in the network should be reserved for allocated land. Flooding potential is also a factor. The objection site adjoins a burn and a flood event in 2003 caused concern about the capacity of the natural drainage system in the area. However, if it is concluded that some housing is acceptable, this should be limited to a few plots, or a small cul-de-sac, fronting the Resaurie Road.

Conclusions

23.12.8 Dealing firstly with the housing objection, Policy 2:7(vii), read with Policy 2:26, indicates that the main access to the campus is intended to be via the A96 and an upgraded Smithton distributor road. An Ashton Farm access, even if “multi-user” is thus likely to be secondary, and need not be physically incompatible with a housing development.

23.12.9 There is no technical evidence that substantiates the Council’s concerns regarding the capacity of Murray Road, or the potential for flooding at this location. I cannot therefore conclude that either of these matters would be an insurmountable constraint to some additional housing.

23.12.10 I adopt my conclusion at paragraph 23.8.20 regarding the reservation of infrastructure capacity for sites proposed to be allocated in this plan. The Council has accepted in Development Briefs prepared to date that developer contributions can be sought to address education capacity issues. There is no reason why this principle could not be applied here.

23.12.11 From the Inset Proposals Maps, a Green Wedge notation does not appear to apply to this site, although it falls within the description of the features in the Longman/A96 Wedge in Policy 2:41(vi). The Council’s initial response to the objection was that additional housing land could be visually contained within the structure of the neighbourhood and without prejudice to the setting of the Ashton campus. With a very limited development, this could probably be achieved. However, the 7-8 ha allocation sought by the objector would amount to significantly more than rounding-off.

23.12.12 It is not unusual for farmland close to the urban edge to have management difficulties or to deteriorate in appearance. I have already concluded that the Council’s aspirations for Green Wedges and urban fringe land are at an early stage, and that only limited resources to realise these are in place. However, the objection site is not seriously unsightly.

The objectors do not argue that continued grazing use is untenable, even if not as part of an Ashton Farm unit.

23.12.13 In any event, in its undeveloped state, the objection site affords fine, open views northwards, including from the Resaurie Road. Even a limited development, as described by the Council, would close off, or significantly diminish, these views. Implementation of the DDILP proposals as they stand would mean that the Ashton campus, as and when developed, would be set well back beyond amenity land, in a landscaped setting.

23.12.14 Matters might have been different if a shortage of housing land was in prospect, in either quantitative, or qualitative terms. However, I have already concluded there is no need for the plan to allocate more land in order to meet HSP housing land requirements for the period to 2011, in quantitative terms. As far as qualitative parameters are concerned, the allocations that the plan proposes at Inverness include a wide range of sites, in a variety of sizes and locations. These previous conclusions, at paragraph 23.2.7, are adopted, and referred to for their terms.

23.12.15 Against this background, and having also had regard to the adverse consequences of development at this location for local amenity, and to the absence of potential benefits that would outweigh these consequences, I find insufficient justification for allocating additional greenfield land at this location.

Recommendation

23.12.16 I recommend that that local plan is not changed in response to this objection.

23.13 LAND AT CULLODEN HOUSE

Objector: The Garden History Society (63)
Procedure: Written Submissions

Synopsis of objection

23.13.1 The proposed allocation of the walled garden at Culloden House for housing is opposed. The setting of Culloden House, including the playing fields at Culloden Academy, should be covered by Policy BP3, not Policy BP2.

Factual background

23.13.2 Culloden House is a Category A listed building used as an hotel. The building, its gardens and surrounding policy woodland, part of the driveway, and a stable block, were designated as a conservation area in 1970 and are covered by a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Policy 6.1.2(f) of the ICALP allocates the walled garden, which is outwith the conservation area and the Article 4 Direction area, for 4 houses. It also notes a previous outline planning permission.

23.13.3 Policy 2:95(iv) of the DDILP (Policy 2:97(ii) in the DDMILP), proposes to retain this allocation, stating that “*development will be expected to reflect the contained within the walled garden and design will expected to be compatible with the Conservation Area and setting of the Listed Building*”. (sic)

Brief summary of the main points raised by the objector

23.13.4 Culloden House is one of the 4 sites in the local plan area that are to be added to the Inventory of Gardens and Designed Landscapes in Scotland. Its garden dates from 1780, and has beautiful trees. National planning policy, in particular paragraphs 6 and 37 of NPPG 18, expects local plans to seek to protect locally important buildings, townscapes and landscapes, whether or not they have statutory designation. The Council should seek to protect the setting of Culloden House, and its key landscape components, in accordance with national policy, the Memorandum of Guidance on Listed Buildings and Conservation Areas, and SE policy statements on designing and architecture. It should also acknowledge that the setting of Culloden House has little or no capacity to absorb development.

Brief summary of the Council’s response to the objection

23.13.5 The ICALP allocates the objection site for housing. Circumstances have not changed in the intervening period. The proposed policy incorporates adequate safeguards.

Conclusions

23.13.6 I adopt my conclusions at paragraphs 3.2.7-3.2.10 regarding the BP policy protection given to Historic Gardens and Designed Landscapes.

22.13.7 The fact that land is allocated for housing in an adopted local plan does not mean this must be continued to the intended replacement plan, as a local plan review provides the opportunity to reappraise policies and proposals in the light of current circumstances. The evidence indicates that the intended addition of Culloden House to the Inventory of Gardens and Designed Landscapes in Scotland post-dates the adopted plan.

22.13.8 Section 59(1) of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 imposes a statutory duty on planning authorities in considering whether to grant planning permission for development which affects the setting of a listed building to have special regard to the desirability of preserving the building's setting. The criteria in Policy GP2 of the HSP include impact on the cultural heritage, and sensitive siting and high quality design in keeping with local character and the historic environment. NPPG 18 expects local plans to include policies for the protection, conservation and enhancement of the historic environment and its setting. Accordingly, if the objection site was unlikely to be capable of accommodating a housing development without adversely affecting the setting of this listed building, which is of national importance, or other aspects of the local character and the historic environment, including the designed landscape, this would weigh against a housing allocation.

22.13.9 Culloden House stands in extensive grounds. Its principal aspects are to the south-west, facing its entrance driveway, and to the north-east, towards an open field, Keppoch Road, and the playing fields at Culloden Academy. The walled garden is set away from the house, formal garden and stable block, among mature trees to the north-west. I conclude that the garden is capable of accommodating up to 4 houses without having a significantly adverse effect on the setting of the listed building, or the designed landscape. The latter would retain the character of formal garden and wooded policies surrounding the listed building.

22.13.10 I have concluded that there is no need for the local plan to allocate more land to meet HSP requirements, in quantitative terms. I am also satisfied that, considered overall, the plan provides for an adequate range and choice of housing opportunities, without this small site. However, it has some unique qualities, and would be a useful addition to the range of housing opportunities available within the built-up area. I conclude that the proposed allocation should be retained.

22.13.11 That said, the policy appears to contain a typographical error. Amending the requirements to read "*development should be contained within the walled garden and should respect the character and appearance of the conservation area and the setting of the listed building*" would convey what appear to be the Council's intentions.

22.13.12 The Culloden District Inset Proposals Map already shows the playing fields at Culloden Academy as a Policy BP3 feature.

Recommendation

22.13.13 Other than the rewording suggested at paragraph 22.13.11, the local plan need not be changed in response to this objection.

23.14 UPPER CULLERNIE FARM

Objectors: Mr & Mrs Bennie (11), Mr J Brown (25), Mr & Mrs Card (42), William Gray Construction Ltd* (75), Mr & Mrs MacKinnon (176), Mr & Mrs Robertson (227), Mrs S Shaw & A Shaw (241), Mr & Mrs A MacCrae (278),

Procedures: Public Inquiry* and written submissions

Synopsis of objections

23.14.1 All but one of these objections oppose housing at this location. The remaining objection, by William Gray Construction Ltd, wishes 0.8 ha of land to be allocated for housing.

Factual background

23.14.2 Policies 2:95(i) and 2:95(ii) of the DDILP propose to allocate 2 adjoining 0.6 ha plots of pasture land at the north-eastern edge of Balloch for housing “suitable for varying needs”. Plot 2:95(i) lies between housing at Wellside Gardens, and a row of cottages to the north, fronting Barn Church Road. Plot 2:95(ii) lies to the rear (east) of the cottages, to the south of the access road leading to Upper Cullernie Farm and a detached house, Sky House. The adopted local plan shows both plots outwith the settlement boundary at Balloch, which coincides with the northern boundary of what is now Wellside Gardens.

23.14.3 THC resolved to delete the proposed allocations, after receiving objections, and to replace them with an “A”, Amenity designation. The reason given for deleting the Policy 2:95(i) site was that this was unavailable as the owners were opposed to housing. The reason for deleting the Policy 2:95(ii) site was “the strength of local views”. William Gray Construction Ltd objected to the proposed modifications, to the effect that the northern part of the Policy 95(ii) site, and some adjoining land to the east, should be allocated for housing.

Brief summary of the main points raised by the objectors

Mr & Mrs Bennie

23.14.4 There is no demand or need for additional housing at Balloch. Development at Upper Cullernie would worsen pressure on Balloch School, create traffic and pedestrian safety problems, affect wildlife, and conflict with farm activities.

Mr Brown

23.14.5 The Policy 2:95(ii) allocation is unnecessary, would result in the loss of good agricultural land, endanger a local agricultural business, destroy wildlife habitat, adversely affect amenity, and result in traffic hazards.

Mr & Mrs Card

23.14.6 These sites will cause concern if they are for specialist/varying needs housing. Any housing capacity given should not exceed guidelines, with the number in the CDLP possibly reinstated.

Mr & Mrs MacKinnon

23.14.7 The objectors oppose the Policy 2:95(i) and Policy 2:95(ii) allocations on similar grounds to Mr Brown.

Mr & Mrs MacRae

23.14.8 There is no justification for departing from the provisions of the adopted local plan at the Policy 2:95(ii) site, which is good quality farm land. Housing would spoil rural amenity, introduce a suburban character beyond a well-defined settlement boundary, and result in road safety and drainage problems. The DDILP proposes to allocate about 1,100 houses in the Culloden area. There is no need for this site.

Mr & Mrs Robertson

23.14.9 The objectors, who own the Policy 2:95(i) site, object to its allocation for housing in the DDILP. They oppose the Policy 2:95(ii) allocation, referring to the rapid spread of development at Balloch, loss of amenity, farmland and wildlife habitat, increased traffic, noise and activity, and on road safety grounds. They also object to the Amenity designation of their land in the DDMILP, because it would remove its value, including for agriculture, horticulture, and possibly building in the future.

Mr & Mrs Shaw

23.14.10 The objectors, who farm at Upper Cullernie, object that the Policy 2:95(ii) site is good productive land, which they would still farm, if they had been allowed to do so. The access is unsuitable for housing and would conflict with farming activities. The site is affected by a water main and electricity plant and equipment.

William Gray Construction Ltd

23.14.11 The objector purchased the objection site following the publication of the DDILP, and advice from THC Planning officials that it was suitable for housing. It can be serviced and a suitable access provided (GRAY 6). The southern part of the Policy 2:95(ii) site is constrained by underground cables. It is also unavailable because the owner objected to its allocation. The indicative layout (GRAY 3) submitted with an outline application for 12 houses on the objection site includes 5 low cost homes, more than a 40% proportion. There is a need for affordable housing at Balloch. If necessary, the entire development could be affordable housing.

23.14.12 Upper Cullernie falls within the Rolling Farmland and Woodland LCCT in the SNH LCA. The undulating landform to the north of Balloch frames a fairly restricted “zone of visual influence”. Recent development, to the north-east, overlooks the site. The houses fronting Barn Church Road, which are linked to Balloch by a footpath leading from Wellside

Road, give the site partial containment from the north and appear as part of the settlement. Looking south along Barn Church Road (Viewpoint 5 in GRAY 11), these are seen against Balloch and the Upper Cullernie steading, which ought also to be included in the settlement boundary. From there, there is no sense of the 50 m “gap” beyond, and only fleetingly when passing the site.

23.14.13 The Gray objection site is part of a transitional landscape on the fringes of Balloch, and views to and from it are generally oblique (GRAY 10 and 11). It could form a logical and cohesive extension to Balloch, in line with the principles in SPP 3 and PAN 44, drawing on the site’s relationship with the existing built form (GRAY 8 and 9), and giving Balloch a less fragmented edge. With suitable planting, Balloch’s setting could be enhanced and softened, and a “gateway” development that acknowledged the opportunities and constraints of the site provided. An aerial photograph taken from the north-east would give a different impression to THC-14/11 as it would show the site in relation to the existing settlement. The Policy 2:95(i) site could also be regarded as rounding off, or even as infill.

23.14.14 The local plan states that development land at Balloch is virtually exhausted, and that smaller dwellings should be given priority at Upper Cullernie, close to established facilities. While the HSP does not require land to be allocated at Balloch, the DDILP identifies an imbalance in terms of dwelling tenure/mix, and a need for specialist housing. If no allocations are made, the local population would have to move elsewhere for new housing. A significant part of the objection site was included in the settlement boundary throughout the local plan review process, and THC regarded it as suitable for housing in 2002. The area has not changed since then. The proposed modifications are unreasonable, given the small number of objections. Balloch Community Council representatives have indicated that its objection (GRAY 4, now withdrawn) was to the omission of housing site capacities, not to the principle of development. As grazing land, the site has no tangible “Amenity” value. Balloch can only expand to the north. Development across Barn Church Road would breach a strongly defined boundary; expansion to the south would raise issues of coalescence; woodland to the east and south-east provides a strong setting for the settlement; and the ground to the north-east is landlocked.

23.14.15 The objection site meets all the effectiveness criteria in PAN 38. Unlike the Policy 2:95(i) site, and the southern part of the Policy 2:95(ii) site, it is within the control of a development company. It is within easy walking distance of the local post office/shop, primary school and bus stops. The fact that the Culloden House and Resaurie North sites, which are allocated in the adopted plan, remain undeveloped, suggests they may be ineffective, although the objector does not seek their deletion. Until the DDMILP was published “the Bowling Green” site (see Chapter 23.15) was allocated for recreation and community/commercial use. The numerous objections to housing there suggest that the local community wishes to see it retained for community use/open space. In any event, the 4-6 houses the Council regards as appropriate on that site falls far short of the 32 and 16 units that the CDLP and the DDILP intended at Balloch. Given the clear need for housing, both sites could be allocated. However, if there is to be only one site, Upper Cullernie Farm should be preferred. The Bowling Green site is superior in land use and sustainability terms, but would be better used for community/commercial/open space purposes. That all said, a compromise solution, allocating the part of the Policy 2:95(ii) site that is in the objector’s control for housing, could achieve all parties’ aspirations. That said, if this is accepted, there is no reason why the entire site could not be identified for housing.

Brief summary of the Council's responses to the objections

23.14.16 The Council agreed to delete the Policy 2:95(ii) site (which includes the western 0.3 ha of the Gray site), because part of it was unavailable, and due to the weight of local views. The indicative housing capacity figures from the City allocations were removed to allow for negotiations, taking account of site circumstances. THC interpreted the third paragraph of the Community Council's letter as opposing any expansion at Balloch. In any event, the other objections were more influential. An "Amenity" designation means that land is safeguarded from development not associated with its purpose and function, in this case agriculture. Including the sites in the settlement boundary acknowledges that they could help to meet open space requirements at Balloch, but does not amount to an allocation for open space. The Council also regarded the Policy 2:95(i) and Policy 2:95(ii) sites as a package with the linear shape of the latter reflecting the houses to the west, and depending on housing on the Policy 2:95(i) site to tie the development back into the settlement. While both sites are an integral part of the settlement, any future open space use would maintain a green vista.

23.14.17 While housing land at Balloch is virtually exhausted, and any expansion can only be to the north, there is no need to allocate further land in order to meet housing requirements. The Housing Land Position Statement indicates that there is enough land allocated in Inverness and in Culloden District to provide the variety and choice of sites needed to meet structure plan requirements. The DDILP also asserts that there is sufficient land to provide a range and choice of housing for people within the City, and specifically within Culloden District. There is planning permission for 550 houses at Woodside of Culloden and land for over 100 houses elsewhere in the District. THC sees the Cullernie Place site (see Chapter 23.15) as an opportunity for some infill housing, of the order of 4-6 houses on 0.5 ha, rather than essential to meet needs. The petition relating to that site does not oppose housing in principle.

Conclusions

23.14.18 I adopt the account of the factual background to this objection at paragraphs 23.14.2-23.14.3, together with together with my conclusions regarding housing land supply in the local plan area, at paragraphs 22.35-22.53, and those at paragraph 23.2.7 regarding range and choice. These are to the effect that there is no need to allocate additional housing sites in order to meet structure plan housing land requirements, in numerical terms, and that, considered overall, the land allocations proposed in the plan afford an adequate range and choice of housing opportunities.

23.14.19 However, local circumstances have also to be taken into account. Both versions of the local plan state that development land at Balloch is virtually exhausted. The DDILP also identifies an imbalance in terms of dwelling tenure/type/size, and states that smaller, varying needs dwellings should be given priority at Upper Cullernie. The 1.2 ha proposed to be allocated at Upper Cullernie Farm, while giving no indication of house numbers, was described as "suitable for varying needs". There is no proposal to make alternative equivalent provision elsewhere at Balloch. The Bowling Green site is significantly smaller than the allocations proposed at Upper Cullernie Farm. I have also concluded that the Bowling Green site ought also accommodate other uses.

23.14.20 That said, housing allocations should be on suitable sites. THC's reasons for proposing to delete the allocations at Upper Cullernie Farm appear to be based on local

opposition, and on doubts regarding land availability. Whatever the Community Council's view, which bears more than one interpretation, local opposition in itself should not be determinative, and objections ought to be considered on their planning merits.

23.14.21 I conclude, having had regard to the evidence and my site inspection, and to GRAY 12A and GRAY 14, that there are unlikely to be any insurmountable access or drainage problems that would prevent housing development on the Gray objection site. The Policy 2:95(i) site is likely to raise similar considerations, and thus the same applies. I am also satisfied that land at this location is unlikely to have significant wildlife value. While some interface with farming activities is likely, both sites are set away from the farm steading and adjacent to existing housing, where there is no suggestion that conflict has caused problems. I also have no evidence that the viability of the remainder of the farm would be put at significant risk.

23.14.22 In landscape terms, both sites when approached from the north, are seen against the backdrop of existing development, and would "read" as part of the Balloch settlement. An aerial photograph taken from the north would convey this relationship, and would give quite a different impression to THC-14/11.

23.14.23 The Council agrees that the factors identified at paragraph 23.14.14 mean that, if Balloch is to expand, this can only be to the north. I concur with this assessment.

23.14.24 The Council considers both objection sites as an integral part of the settlement, but (local opinions apart) regards housing as acceptable only if the 2 sites were to be developed. In this regard, the southern part of the Policy 2:95(ii) site appears to be unsuitable for development on account of physical constraints. It also appears unlikely to be available. On this basis, if the Policy 2:95(i) site was not developed, notwithstanding the visual impression when approaching from the north, the Gray/Policy 2:95(ii) site to the north would remain physically detached from what is a clearly defined settlement edge by intervening pasture. The line of cottages to the west of the site, and Upper Cullernie Farm, are set clear of this edge, and do not appear as part of the settlement.

23.14.25 The objection to the DDILP by the owners of the Policy 2:95(i) site indicates that it is unlikely to be available. If this non-availability is confirmed, then I consider that neither site should be allocated for housing. In the case of the Policy 2:95(i) site, this is solely because of its lack of availability, as it can reasonably be regarded as being of the nature of an infill site. In the case of the Gray/Policy 2:95(ii) site, this is because it would appear as an incongruous, piecemeal plot of development, outwith what I regard as a clear settlement boundary.

23.14.26 However, the objection to the DDMILP by the owners of the Policy 2:95(i) site could be interpreted as indicating that they have not set their face against housing development. While the HSP does not require land to be allocated at Balloch, and there are other housing opportunities available in Culloden, this site could make a useful contribution towards addressing identified shortcomings in local housing circumstances at Balloch. If further investigation reveals that this site would be made available, its allocation could stand on its own. However, if it is allocated, there is no reason why the western part of the Gray objection site (i.e the part encompassed in the Policy 2:95(ii) site), should not also be allocated, as it could then be integrated into the settlement. The 2 areas, taken together, would allow a compact and coherent development, around the existing cottages, and make a

more significant housing contribution than the Policy 95(i) site alone. It should also be possible to incorporate some local open space in the composite site.

23.14.27 If neither site is allocated for housing, I see little point in the Amenity designation proposed in the DDMILP, which the Council appears to see this as an acknowledgement of possible future open space potential, in the event that there is no built development. However, there are no Council proposals for this, and it is opposed by the owners.

Recommendations

23.14.28 I recommend that:

- (1) the Council should investigate further whether the Policy 2:95(i) is available for housing and, if availability is confirmed, allocate it for this purpose, preferably for varying needs;
- (2) if the Policy 2:95(i) is allocated, then the western part of the Gray objection site (equivalent to the northern part of the Policy 2:95(ii) site should also be allocated for housing, again preferably for varying needs, subject to development also taking place on the Policy 2:95(i) site.
- (3) some local open space provision on the composite site is considered.
- (4) if neither site is allocated, then both sites should be shown outwith the settlement boundary. The Amenity designation proposed in the DDMILP would therefore not apply.

23.15 UPPER CULLERNIE PLACE

Objectors: Mr & Mrs Bones (18), Mr & Mrs Bryers (28), Mr & Mrs Card (42), Mr & Mrs Fraser (88), Mr & Mrs Logue (151) Mr & Mrs Moss (205)*, Tulloch Homes (264)

Procedures: Public inquiry* and written submissions

Synopsis of objections

23.15.1 Tulloch Homes wishes the local plan allocation for this site to include housing. The other objectors are concerned regarding the type, mix, and density of development proposed, and potential effects on existing residential amenity.

Background and summary of objections to the deposit draft plan

23.15.2 This 1.0 ha grassed area is located in a residential area of Balloch on the south-western side of Wellside Road. A cul-de-sac roadway and footpath on the north-western side of the site, past bungalows at Upper Cullernie Place, link Culloden Road with Wellside Road. The site slopes down from its eastern corner towards Upper Cullernie Place.

23.15.3 The adopted local plan allocates the northern 0.6 ha of the site for community/commercial uses, possibly including a village inn/licensed restaurant, together with accommodation and parking for recreational facilities on the 0.4 ha to the south. Policy 6.3.10(d) requires this latter area to be reserved for a bowling green and equipped play area..

23.15.4 Policy 2:102 of the DDILP proposes to allocate the entire 1.0 ha for community/commercial use and open space, describing this as suitable for a bowling club and green, a park and play area.

23.15.5 CD10 reports the following objections relating to this site:

Tulloch Homes

23.15.6 The site has been marketed for commercial use, but this has not attracted any interest, and is not viable. An application for a bowling green and clubhouse together with 16 flats, suitable for first time buyers or the elderly, has been submitted.

Mr & Mrs Moss

23.15.7 The proposed bowling green and clubhouse would take up a large area that could be open space and would cause noise, disturbance and traffic problems. The adopted local plan does not include housing. Flats have already been refused permission as overdevelopment. A play area could cause amenity problems.

23.15.8 The following objections, although stated in CD10 to relate to land at Upper Cullernie Farm, also relate to this site:

Mr & Mrs Fraser

23.15.9 This site should remain undeveloped or, if developed, should be for low density, single-storey housing.

Mr & Mrs Moss, Mr & Mrs Fraser and Petition

23.15.10 There should be no housing on the site; if housing is included, a maximum density of 10 houses/ha should be allowed; proposals by the Balloch Social and Outdoor Bowling Club are unacceptable to adjacent residents.

23.15.11 In response to these objections, the Council promoted a modification, to what became Policy 2:104 in the DDMILP. This proposes to allocate the site “for a mix of development and community open space purposes: 0.5 ha for housing, with smaller, lower density dwellings preferred; and 0.5 ha for community open space, which could comprise a bowling green together with play facilities.

23.15.12 The application that included the 16 flats was refused in February 2003, because (among other things) the applicant refused to include affordable housing. An application for 24 flats and a bowling green/pavilion had been refused in 2002. Subsequently, outline planning permission was granted for a bowling green and pavilion in July 2003 (THC-14/8 and 14/9). At the time of the inquiry, an outline application for 12 flats and a bowling green/pavilion was undetermined.

Brief summary of the main points raised by objectors to the proposed modifications

Mr & Mrs Card and Mr & Mrs Logue

23.15.13 If housing is to be allowed, this should not exceed “the HSP density” of 10 houses/ha. The size, scale, location, and use of the multifunction “pavilion” that is still being pursued in planning applications has the potential to cause noise and disturbance to residents. The site was only ever intended to have a bowling green and clubhouse.

Mrs & Mrs Bones

23.15.14 “Preferred” should be deleted from the Policy 2:104. Applying the Local Centre low density figures in the tables that form part of Policy G2 to this site would allow maximum of 5 units on 0.5 ha.

Mr & Mrs Bryers

23.15.15 Housing should be excluded, and the site kept for an open green.

Mr & Mrs Moss

23.15.16 These objectors, who also spoke for other residents living around the site and those who had signed petitions regarding development there, would prefer to see the site remain as open space. They are content to have a bowling green, but are concerned regarding the scale and nature of the pavilion that has been granted permission. However, they object to housing being built on what is the only open space in this area. If housing is retained, the

plan should make clear it should be low density. The site slope will reduce the area usable for housing to 0.3 ha, and this will also have to include access to the bowling facility. Balloch's population of 1,550 suggests it is a "local centre" in terms of policy G2, not a "neighbourhood". Applying the Local Centre "low density" figure in the policy table would equate to 2-3 units on 0.5 ha, while "medium density" would be 2.5-5 dwellings/ha. The surrounding housing density is about 4-5 dwellings/ha. "Preferred" should be removed from Policy 104, and "lower" replaced with "low". The policy should also set a maximum density, or a maximum number of houses for the site, say 3 larger bungalows or 3 pairs of small semi-detached houses. Secured open space should also be provided for general use, although play areas can cause problems near houses.

Brief summary of the Council's response to the objections

23.15.17 While the Council regards flats as unlikely to be appropriate on this site, it considers it to be important that the best use is made of the land available, perhaps for 3 larger or 6 smaller units. The committee report (THC-14/8), which described 1¾ storey houses as inappropriate, also illustrates the Council's concern to secure a development in keeping with its surroundings, in line with Policy GP1 of the DDILP. Comments received during a Planning for Real exercise in 1999 suggested sheltered housing or care facilities in this area. While there is a deficiency of open space in Balloch, the principle of a mix of uses at this site is established in the adopted plan, and the site is ideally located for easy access to local facilities. In granting planning permission for a bowling green, the Council indicated its intention that part of the site should provide for local open space/recreational needs.

23.15.18 This local plan seeks to secure balanced sustainable communities. While Culloden District as a whole has sufficient land to meet the housing needs of its neighbourhoods, Balloch does not offer substantial choice in smaller house types/rented accommodation. The Council decided to remove indicative housing capacity figures from the City housing allocations so that members and officials could negotiate with developers and take account of the particular circumstances of the site concerned. As Balloch is included in the City of Inverness, "low density" in terms of Policy G2 is up to 10 dwellings/ha. This policy is sufficient to guide development control officials in making recommendations. However, the Council would be prepared to delete "preferred" from Policy 2:104, and to substitute "low density" for "lower density".

Conclusions

23.15.19 As the objection site is easily accessible from existing housing at Balloch, including on foot, it is well placed from that perspective to accommodate a suitable element of community use. The adopted local plan intends community/commercial use, including a bowling green and equipped play area. However, the site has never been developed and Tulloch Homes claims that commercial use is not viable.

23.15.20 Whatever the case, a local plan review is an opportunity to reappraise existing policies and proposals, in the light of circumstances as they stand. This is an accessible small site, within the built-up area, and it is desirable that it should be put to a positive use that would realise its locational advantages. I consider that a community element and housing, in a neighbourhood where housing land is virtually exhausted, would be acceptable in principle. However, the amenity of those living adjacent to the site has also to be considered. In

addition, the limited size and configuration of the site, which includes some sloping ground, require to be taken into account.

23.15.21 There is no HSP policy that refers to specific housing densities. As Balloch is within the City of Inverness, the relevant average net residential densities in terms of this policy are those in the City/District/Neighbourhood column. Although the categories in Policy GP2 as currently expressed potentially overlap, THC intends low density in this context to allow up to 10 dwellings/ha. Whatever the figure, given the nature and style of the adjacent development, it would be prudent for the policy to refer to low density housing. An element of flexibility is nevertheless desirable, particularly on a small mixed-use site, and the number and size of units would be best decided in the context of a specific scheme.

23.15.22 It is also important not to be overly ambitious regarding the uses that could potentially be accommodated on the remainder of the site, to avoid giving rise to unrealistic expectations, or to unnecessary anxiety. The proposed modification, which refers only to a bowling green and play facilities as possible uses in this context, did not prompt objections that a wider range of facilities should be promoted. Concerns regarding a play area are understandable, but there is scope for these to be ameliorated by a considerate layout and design.

Recommendation

23.15.23 In the light of the above, I recommend that Policy 2:102 in the DDILP is worded along the following lines:

“1.0 ha of land at Upper Cullernie is allocated for a mix of housing and community/open space: 0.5 ha for low density dwellings; and 0.5 ha for community open space, which could comprise a bowling green and play facilities”.

23.16 LAND AT VIEWHILL FARM

Objector: Mr H Keistra/Tulloch Homes Ltd (127)

Procedure: Written submissions

Synopsis of objection

23.16.1 The objection site has potential for paddock-style housing and leisure development. It should be included in the settlement boundary and allocated for Expansion.

Factual background

23.16.2 This objection was made by Mr H Keistra, but was pursued by Tulloch Homes Ltd, who had concluded missives to acquire it. The site is a 15 ha field to the south of Culloden Wood, on the west side of the minor road leading from Balloch to the B9006. The adopted local plan shows the site subject to agricultural land safeguards; to presumptions against development on account of its location at a settlement edge, in an area with sub-soil drainage problems, and its potential adverse impact on the setting of Culloden Battlefield; and in an area of servicing deficiency. In the DDILP and DDMLP, the site is outwith the areas covered by the City of Inverness East Inset Proposals Map and the Culloden District Inset Map. Planning permission for a retirement house on part of the site frontage was granted in 2001 (127/3).

Brief summary of the main points raised by the objector

23.16.3 The objection site is of low agricultural value and will not reduce the viability of Viewhill Farm. It is not within a Green Wedge, or the Culloden Battlefield Conservation Area, and cannot be seen from the public areas of the Battlefield. Housing here would not be “housing in the countryside”. THC has failed to recognise that a community has built up at Viewhill. There are 10 houses to the north-west of the site, 5 to the north, and 4 to the east.

23.16.4 The site provides a unique opportunity for paddock style housing around the edge of the field, leaving the centre as open space for the community. A gateway feature would enhance Balloch’s separate identity. THC Roads officials have suggested improvements that would address any concerns regarding access, and address existing access problems. There is demand, for which THC has failed to provide for at Balloch, for paddock-style plots, particularly in locations near Inverness, which are well-served by local amenities. Existing housing allocations in the area have all been taken up. This is not conducive to the expectation in the City-Vision that the City’s population will double by 2030, with new communities along the A96 corridor. The Balloch area falls firmly within the corridor.

Brief summary of the Council’s response to the objection

23.16.5 This site is located on the elevated eastern fringes of the City. The topography is part of a convex slope, elevated, open and exposed, and lacking any natural containment, shelter or visual definition. It is separated from the existing City edges at Balloch by 200 m wide band of mature forest and a similar length of public road, which narrows at a railway bridge. Housing here would breach the 4 km distance from the City Centre that the local plan

states ought to be the limit of development, and result in a suburban intrusion into a rural landscape. The opportunity to meet recreational needs does not justify departing from the longstanding principles in the adopted local plan and reinforced in the City-Vision. These include a high level recreational route linking into the A96 corridor, the ambience and amenity of which would be diminished by expansion of this kind. As there is no discernible landform or vegetation to the south, developing the site could set a precedent for further expansion. There were representations to the CDLP, notably from the Balloch Community Council, in respect of continuing established planning safeguards. The choice provided in the effective land supply, together with long term commitments, means there is no requirement to expand Balloch at this time. To do so would be a major breach of policy, and affect local amenity and the character of the wider landscape towards Culloden Battlefield.

Conclusions

23.16.6 I adopt the account of the factual background to this objection, in paragraph 23.16.2, together with my conclusions regarding the housing land supply in the local plan area, at paragraphs 23.2.7. On the basis of these conclusions, there is no need for the plan to allocate more land in order to meet HSP housing land requirements for the period to 2011, in quantitative terms. The prospect of long-term development along the A96 Corridor which, in the recently commissioned Masterplan at least, does not include Balloch, does not alter the housing land requirements set out in the HSP.

23.16.7 The allocations proposed in the plan cover a wide range of sites, in a variety of sizes and locations, and capable of accommodating a variety of house types and densities. Specifically, some provision has been made for larger paddock-style plots. Paragraph 2.24 of the local plan identifies a need for greater choice in Culloden District, and paragraph 2.25 states that development land at Balloch is virtually exhausted. However, this need is stated to be in the specialist/rented sectors, within individual neighbourhoods. The HSP does not require land to be allocated at Balloch, and it is impractical to provide a full range of opportunities at each and every location.

23.16.8 The southern edge of the settlement at Balloch is contained by Culloden Wood, and is well defined and clearly identifiable on the ground. The objection site is an open field, with a convex slope, and in an obvious location beyond the wood. Despite some signs of creeping suburbanisation, to which the retirement house for which permission has been granted will add, the locality will still retain a predominantly rural ambience. I conclude that this merits protection from further built development. While it note your account of the site's low agricultural value, there is no reason why it could not continue in grazing use. The houses in the vicinity appear well-provided with open space, and a location 200 m from the settlement edge is not well placed, including in terms of sustainability, to serve as open space for the wider community. Providing a gateway feature would emphasise the urban intrusion. While the site is not obvious from Culloden Battlefield, where the NTS is concerned to protect the setting, housing development at this obvious roadside location would be particularly unfortunate on an approach to an internationally important tourist site.

Recommendation

23.16.9 The local plan should not be changed in response to this objection.