

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

requirement is added to include a pre-determination flood risk assessment.

- Also requests that the policy should require that if that assessment reveals any land that falls within the functional flood plain (as defined by Scottish Planning Policy) then that land should not be developed.
- The reasons are that the allocation land at Ness-side is affected by fluvial flood risk and the Charleston allocation may be affected by pluvial/small watercourse flood risk.

BBH (377)

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

Robertson (402)

- Suggests amended allocation and masterplan for client's landholding at Westercraigs including increasing the housing capacity to 1,000 units and extending the boundary higher up the slope north west of the old hospital buildings (to the limit of Robertson's existing planning permission). Gives the following justification.
- The 125m contour limit is arbitrary, not related to landscape capacity/impact and unfair in resisting pressure to extend to the ridgeline;
- A larger allocation would better fit the Plan's Vision and Strategy of economic diversification, sustainable communities, community involvement;
- The development would pursue environmentally sustainable construction and design (give example of Robertson's construction of adjacent SNH building), incorporate renewable energy generation, and provide community access and management, better landscape fit, and community benefit;
- The site is deliverable - Robertson are on site now and the land is already serviced;
- It will help meet Council's short term target to consolidate the City and is closer to the city centre than A96 alternatives;
- Robertson's transport assessment concludes there will be spare roads capacity for 1,000 units across Charleston / Westercraigs given recent junction and public transport improvements and with some minor road improvements being made to other existing junctions;
- Accept that Robertson's proposed phasing is unlikely to be hindered by waiting for opening of West Link and content to contribute to West Link on a per house basis;
- However, if West Link is not opened as scheduled within the 2016-2021

period then believes client should be permitted to develop beyond current 420 limit without restriction;

- Also disputes need for full local distributor road standard (6m carriageway) for driveway connection to A82 because of required loss of woodland and other heritage impacts.

CCT (477)

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

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

Tesco (520)

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

Modifications sought by those submitting representations:

- Re-wording of Policy 8 and supporting text to remove river and canal crossing dependency from Ness-side allocation (57).
- Para 9.21.1 should be augmented to include "In preparing masterplans these should be informed for both parcels of land by a badger survey and protection plan (118).
- Policy 8 should include a developer requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy (326).
- Re-wording of Plan to establish a higher priority for West Link's implementation to ensure that Ness-side is deliverable by 2016 (assumed) (377).

- Map 5 Charleston allocation should be extended to include Westercraigs area with extant permission to Robertson. Policy 8 should be revised to reference support for a masterplan which would embody the capacity, uses, access arrangements and locations indicated in Robertson's submission. Supporting text should clarify that 420 units can be developed prior to any river/canal crossing(s) as per the extant permission (402).
- Plan wording and mapping should support a mix of uses at Milton of Ness-side including mainstream housing. Milton of Ness-side and Ness-side should be treated as part of the same expansion area (477).
- Plan text and mapping to reaffirm Tesco landholding for district centre uses as per extant permission not as residential (520).

Summary of responses (including reasons) by Planning Authority:

Map 5 (Ness-side)

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

Natural Heritage

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

commenced Inner Moray Firth Local Development Plan to determine. In the unlikely event that applications are determined prior to such detailed guidance then the Plan's general policy 59 provides adequate policy coverage in requiring badger survey and mitigation of any adverse effects on the animal and its setts. Moreover, the Council has also approved very detailed non-statutory supplementary guidance in the form of a Badger Policy Guidance Note for the Inverness area and agreed best practice guidance on this issue with SNH.

River / Canal Crossing (West Link) Dependency

- In the period up to 2016, the Council has earmarked £16.5M in its [capital programme](#) (Item 13(b)) for West Link. An assumption has been made that an additional £5M will be generated from developer contributions from the development of allocated land. The Council believes that this total of £21.5M is sufficient to fund a low level bridge crossing of the River Ness and a low, additional, opening bridge crossing of the Caledonian Canal plus connecting roads.
- A confirmed cost will depend largely upon further engineering assessment of ground condition suitability for bridge construction, the need for and financial amount of compulsory land acquisition, and the width and design of the link. The Council is undertaking this detailed feasibility at present.
- The Council would assert that it has made reasonable efforts to progress this road link. £21.5M is very likely to be sufficient to cross the river and connect to the A82 at Queens Park even if further feasibility work reveals hidden costs. Ness-side and Milton of Ness-side are only dependent upon crossing the river not also crossing the canal. Therefore the Council is only intending to "delay" development at Milton of Ness-side and Ness-side until 2016. Indeed the Council has discussed with developers the possibility of allowing construction to start earlier with only occupation "delayed" until 2016. Within Ness-side, it would be sensible for bridge approach road and other development construction to proceed in parallel. With the current, stagnant housing market, the programmed reduction in Scottish Government funding for affordable housing provision and the lead in time for large development projects the "delay" in determination of any future planning application(s) becomes even less significant.
- The Council agrees that Ness-side is a suitable and sustainable location for development but there are sufficient other, less constrained housing sites that are available to deliver the Plan's approximate 2,000 unit housing requirement target for the City of Inverness over the period 2011 to 2016. These sites are allocated in the adopted local plan and/or have planning permission and are not subject to strategic road improvements. Developers are already on site on most of these expansion areas. The Council's [Housing Land Audit](#) document contains full details. Many development sites can only be activated with third party co-operation and in the current market, partnership working and sharing of infrastructure costs is likely to become common.
- Given there is no over-riding imperative to find more housing land then there is no case for an exceptional relaxation of the West Link dependency. The level of developer contributions sought will be

proportionate to the impact of the development but the Council also accepts that they should not be set at so high a level that they inhibit the development of the allocated land. The Council is not seeking to impose an unreasonable level of contributions merely asking that development awaits programmed investment in strategic road infrastructure. Without this investment, the Council believes that the development of Ness-side and Milton of Ness-side will result in an unacceptable increase in radial (principally Dores Road / Island Bank Road / Haugh Road / Castle Road) and city centre congestion.

- The Council is reviewing Robertson's updated transport assessment for Westercraigs / Charleston but has yet to make a decision on whether the impact of this development and others west of the canal will lead to unacceptable canal queuing and emergency vehicle response times. Traffic models can predict whether junction and link design capacities are exceeded or not but the acceptability of queuing and emergency vehicle response times is more of a policy and political issue than a technical one. In the absence of a pressing, current need to find effective housing land the Council sees no reason to amend the current 420 unit limit.

Flood Risk

- As with the badger issue above, specific developer requirements are not appropriate to an allocation that merely rolls forward the provisions of the approved development plan. The only substantive changes are to announce the concept of masterplans so that these can be future statutory supplementary guidance hooked on a policy in an approved local development plan and more detail on the proposed phasing of City vis-à-vis A96 allocations.
- The Plan's general Policy 65 Flood Risk, already sets out adequate policy coverage. It includes the requirement for a Scottish Planning Policy compliant flood risk assessment for developments within any 1 in 200 year flood risk area. When SEPA have information to predict and map similar risk areas for small watercourses and pluvial issues then these too would trigger the application of Policy 65 and its flood risk assessment requirement. The Council accepts that the Ness-side allocation falls partly within the 1 in 200 year fluvial risk area for the River Ness.

Charleston

- As with Ness-side above, the Council sees no pressing justification for reviewing the detail of the Charleston / Westercraigs allocation at this time particularly through a strategic document such as the Highland wide Local Development Plan. Robertson Homes have an extant permission for a total of 550 residential units at Westercraigs of which only 60 were complete by end of 2010. Both the Westercraigs and wider Charleston land also benefit from [adopted local plan](#) (various pages and City Inset Map) allocations. Taken together these adopted local plan allocations cover the allocation boundary suggested by Robertson and could be viewed as supporting a capacity of around 1,000 residential units (albeit over half are West Link dependent including the canal crossing). There are other less constrained alternative housing sites that can meet short term housing requirements. The review of the now commenced Inner

Moray Firth Local Development Plan and the production of a Charleston masterplan would be more appropriate policy avenues to assess the suitability of the detailed layouts produced by Robertson.

- The Council makes no comment on the merits or otherwise on the specifics of the submitted layouts other than to say that the [adopted local plan](#) action area policy (page 33 and City Inset Map) already supports mixed use development at Westercraigs within a widely drawn boundary and without being overly prescriptive about siting, design and landscape capacity.
- The Council is discussing a relaxation of full local distributor road standard with Robertson for the connection between Westercraigs and the A82 in order to reflect natural heritage constraints (woodland loss and potential adverse impact on the SSSI) but this level of detail would more appropriately be considered through amendment to the existing permission conditions / related road construction consent.

Milton of Ness-side

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

Any further plan changes commended by the council

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

Reporter's conclusions:

Added by Reporter at later date.

Reporter's recommendations:

Added by Reporter at later date.