

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 16: Highland Deephaven

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by McGrigor Donald for Highland Deephaven Ltd [CD30/62] in respect of policies contained in Chapter 6 Landward, para 37 in regard to the major industrial site allocation in regard to extent of site and existence of natural heritage designation also inclusion of amenity area as part of industrial allocation; and Mr A Macdonald [CD30/140] in respect of policies contained in Chapter 6 Landward, para 37(e) regarding continued allocation of industrial land and also Chapter 16, para 17 relating to safeguarding of amenity land.
- 1.2 Objections lodged by SNH [CD30/197] in respect of Chapter 6 are either sustained on the basis of written submissions lodged in respect of the Deposit Draft Local Plan or not withdrawn. The Council's response in respect of these matters is contained in the report.[CD27]
- 1.3 THC will call Brian MacKenzie, Planning and Development Service as planning witness.
- 1.4 THC wishes to submit the following productions: -
[CD1] The Highland Structure Plan: Approved Plan: THC: March 2001
[CD4] Easter Ross Local Plan: Adopted Plan: HRC: July 1992
[CD8] Ross & Cromarty East Local Plan: Consultative Draft: THC May 2002
[CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
[CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: THC October 2003
[CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): THC February 2005
[CD14] SPP3: Planning for Housing: Scottish Executive: February 2003
[CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
[CD26] Planning Development Europe & Tourism Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 1 October 2003
[CD30] Letters of objection and representation to the Deposit Draft Local Plan
[CD31] Objections to the Proposed Changes to the Deposit Draft Local Plan
[THC 16/1] Highland Deephaven Approved Masterplan, Ref. W/6266/J/2523/1

[**THC 16/2**] Easter Ross Local Plan: Extract of Report of Public Local Inquiry: June 1991

[**THC 16/3**] Extract of from report presented to Planning Committee, 27 March 2003 in relation to application (RC/2002/903) for the railway siding and conditions therein that the Committee were minded to approve (subject to conclusion of S75, legal agreement)

[**THC16/4**] NPPG 14 Natural Heritage, pp 13-14, 19-22

2. Background

National Planning Guidance/Advice

- 2.1 NPPG 14 [**THC16/4**] para **42** requires that “A development that would have an adverse effect on the conservation interests for which a Natura 2000 area has been designated should only be permitted where :

- *“there is no alternative solution and*
- *there are imperative reasons of over-riding public interest, including those of a social or economic nature”*

Para **71** also states that local plans should:

- *“include policies for the protection and, where appropriate, enhancement of all internationally and nationally designated areas and sites (including potential SPAs and SACs)”*

In regard to the Precautionary Principle, para **81** states that, *“the precautionary principle should be reflected in development plan policies relating to the protection of natural heritage and biodiversity”*

Highland Structure Plan

- 2.2 The Highland Structure Plan [**CD1**] Policy B1 Industrial and business sites states:-

Local Plans will safeguard and support a portfolio of industrial and business sites of the following types and locations:-

“.....

- strategic industrial and business development sites -

“.....

Highland Deep Haven, Evanton

.....”

- 2.3 The Council’s policy for the protection of nature conservation interests follows the hierarchical approach as set out in NPPG 14 Natural Heritage. Internationally important areas are Natura 2000 sites and Ramsar sites. Policy N1 states

“Policy N1 Nature conservation

New developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to the following hierarchy:

- *sites and species of international importance – Developments which would have an adverse effect on the conservation interests for which a site 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. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.”*

2.4 Planning History

W/6266/J/2523/1 - Layout and Development Programme for Industrial Development at Evanton Airfield and Adjoining land to the West [THC 16/1]

The original consent was approved on 15th July 1976 and approved in principle the layout and development programme for Industrial Development, involving construction of factories and fabrication area and Marine area with wharfage frontage on the Cromarty Firth.

2.5 RC/2002/903 – Construction of Railway Access, Sidings and Loading Area Highland Deephaven Industrial Estate and Field to East of the Former Evanton Station [THC 16/3]

The Council is minded to approve the application (RC/2002/903) for the rail link that was the subject of objection at the time of the Consultative Draft and in response to the change of status of the application since the production of the Consultative Draft the following was added to the existing policy:-

“Planning permission has been granted, subject to Section 75 legal agreement, for a rail siding and link to the Highland Deephaven site.”

The Section 75 yet to be concluded, was to include agreement on the retention of land, outwith that utilised by the rail line, for agricultural use.(Amenity policy area 17) The S75 has not been signed and issues in relation to the amenity safeguard are understood to be no longer part of the S75. Notwithstanding this the retention of the amenity safeguard/buffer is also the subject of condition 13 [THC 16/3]within the terms of the deemed approval, this mitigates against the development of the remainder of the site:

“13. Outwith the sidings and rail link, the existing field north of the A9(T) shall be retained in agricultural use.”

This position is that reflected within Deposit Draft with modifications plan and reflects the status of the yet to be finally approved planning permission. To include the area currently allocated as A17 as part of the industrial allocation would not reflect the master plan or indeed conditions pertaining to the deemed approval.

2.6 Previous Inquiry Results

Public Local Inquiry was held in June of 1991 in regard to issues for the emerging

Easter Ross Local Plan [CD4].

Highland Deephaven objected to the indicative development areas contained within the text and mapping, although generally in line with the approved masterplan, feeling that a formal breakdown would restrict development.

The Councils view was that the subdivision of the site reflected land use classifications and opportunities and that the subdivision would help guide prospective developers. The Council did, however have an open mind on the distribution of uses within the site and would be prepared to exercise flexibility when considering proposals.

The Reporter concluded that the area were broadly compatible with the Master Plan framework, and would not constrain the development potential of the Highland Deephaven site and would offer useful guidance to prospective occupiers[THC 16/3].

Adopted Local Plan

- 2.4 The Easter Ross Local Plan [CD4] was adopted in July 1992. The indicated an area larger than the approved masterplan incorporating an additional foreshore area and increased allocation in relation to land to the west of the Allt Graad. An indicative line for a potential rail link was also indicated within the text and mapping.
- 2.5 The Adopted Local Plan, Policy 3.29 stated that in respect of the land between the Deephaven site and Evanton, “The Council will safeguard land between the new A9 and north railway line for amenity purposes. A presumption will be maintained against development within this area unless related to the agricultural working of the land.”

Consultative Draft Plan

- 2.6 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan, was published in May 2002. The Consultative Draft Plan reaffirmed the allocation at Highland Deephaven. The indicative rail link route was not included at this stage of the Plan review as an outstanding planning application was yet to be determined on the details of the route. This route that was subject of a development application varied from that previously shown on the Adopted Plan and showing a route on the Consultative Draft Plan may have prejudiced the outcome of the application.
- 2.7 The representations made and the changes made by THC in response are detailed in [CD10]. Objections received from RSPB [CD25/242] in respect of the extent of the Highland Deephaven boundary extending into the Cromarty Firth SPA and therefore effecting the integrity of the site. The masterplan(1976) predates the designation of the Cromarty Firth SPA and there needs to be consideration of the allocation in light of the designation and national guidance namely NPPG 14 Natural Heritage and the provisions therein for the protection of sites and species of international importance. Scottish Natural Heritage [CD25/59] also lodged an

objection to the need for due recognition of the Cromarty Firth SPA. Paul Griffiths [CD25/173] called for the removal of land to the west of Alt Graad to be removed from the allocation as the land is of high farming value.

Deposit Draft Local Plan

- 2.8 The Deposit Draft [CD9] of the Local Plan was published in October 2003. Modifications were made in respect of the boundary of the Highland Deephaven site the area now the subject to the Cromarty Firth SPA designation was removed from the identified developable area. This was carried out in respect of the importance of safeguarding the natural heritage interests of the site following national guidance as laid out in NPPG 14.
- 2.9 The line of the proposed rail link to Highland Deephaven was now incorporated, reflecting the Council's decision to be mindful to approve the route subject to the signing of a Section 75. The surrounding land use was maintained as amenity, reflecting the planning condition restricting land outwith that used to form the link to be retained in agricultural use, this was reflected in the annotation of the area under Amenity
- 2.10 Objections were received from McGrigor Donald Solicitors for Highland Deephaven Ltd [CD30/62] in respect of the exclusion of the intertidal area and also the non-inclusion of the amenity area (A17) within the allocation for Highland Deephaven namely annotating as I37. SNH [CD30/197] welcomed the exclusion of the areas covered by the SPA, Mr A Macdonald [CD30/140] questioned the inclusion of the areas annotated as areas (d) & (e) as no development had taken place in these areas since the granting of planning permission and as such they should be removed and SEPA [CD30/170] who sought inclusion in the policy of a reference to the need to connect to a main public sewer as a requisite to development THC's response and reasoning is set out in [CD27].

Deposit Draft with Modifications (Proposed Changes)

- 2.11 Proposed Changes to the Deposit Draft [CD11] were approved in January 2005. The proposed changes with an implication for objections and comments indicated at paras. 3.1 and 3.3 below are:-

Replace first paragraph with

"At Highland Deephaven land is allocated for a mix of business and industrial uses [B/I] in accordance with the original master plan. Main areas of development include: -"

and insert new text after table

"Other opportunities exist for smaller stand alone uses on residual areas of the site. Development of part of the site has taken place accommodating the pipe spooling facility. The overall developable areas have been reduced through the development of the A9(T) and also by the presence of the Cromarty Firth Special Protection

Area(SPA). Connection to a public sewer is a pre-requisite for further development. Developers may be expected to provide a new drainage system to adoptable standards (GSP2).”

Also modifications to mapping

“-MODIFY the Evanton and Highland Deephaven Inset Map to include extent of the original masterplan, but taking into account the existence of the A9(T) and the Cromarty Firth SPA.”

- 2.1 Further objections were received from McGrigor Donald for Highland Deephaven Ltd [CD31/62] in respect of the removal of the identified rail link in respect of the deemed approval of the rail link to serve the Highland Deephaven site. The removal of the rail link is the result of a drafting error in respect of the production of the Deposit Draft with Modifications document. In this regard it is the intention of The Council to reinstate the rail link in the final Adopted Plan and this should be treated as a factual error. There is no context for the removal of the line indicating the rail route, with no objections being lodged to the inclusion of the route in the Deposit Draft.

Objections were made to the revised boundary removing the intertidal land (SPA) from the allocation in addition to the extent of the A9.

3. The Council’s Observations

The Objections

- 3.1 McGrigor Donald for Highland Deephaven Ltd [CD30/62]

1) Paragraph 37 states that, at our clients’ site at Highland Deephaven, 106 hectares are allocated for a mix of business and industrial uses in accordance with the original master plan. Paragraph 37 then contains a table identifying 5 areas (labelled (a) - (e)) totalling 106 hectares. In turn, Inset Map 16 appears to show these areas as if they comprise the whole of the Highland Deephaven Industrial Estate. However, in terms of the extant Planning Permission (ref W/6266/J/2523 dated 16 October 1973) to which the master plan relates, the land allocated for business and industrial use at Highland Deephaven extends in all to 175 hectares. We enclose a copy of the plan showing the site to which this planning permission relates (the approved plan). The difference - 69 hectares - is substantial. Our clients object to the, at best, misleading wording of paragraph 37 and drawing of boundaries on Inset Map 16. At worst, the current Deposit Draft Local Plan could be interpreted as an attempt to constrain the developable land within the Highland Deephaven Industrial Estate.

Our clients accept the previous representations made by RSPB and the redrawing of the boundary of the main road in the current local plan to avoid the SPA/SAC within the Cromarty Firth. They also recognise that development proposals within the site (particularly those involving marine access) require to be assessed in light of their proximity to the SPA/SAC. (This is exemplified by the recent grant of planning permission for extension of the existing jetty. As stated in paragraph 37

this extension has been approved subject to conditions including measures to minimise adverse impacts on the Cromarty Firth SPA). However, with the exception of the SPA/SAC area in the Cromarty Firth, the Highland Deephaven Industrial Estate as described in Paragraph 37 and shown on Inset Map 16 should remain the whole area which benefits from Planning Permission as shown on the approved plan.

Our clients' specific objections are as follows:-

106 hectares is the sum of the 5 specific areas identified in the table. This measurement does not include any areas outwith the boundaries of the 5 specific areas but within the Industrial Estate as shown on the original, consented master plan. Therefore, the use of this measurement is misleading and the reference to 106 hectares should be deleted. It should also be made clear in the wording of paragraph 37 that the 5 areas form distinct parts but do not comprise the whole of the developable land at the Highland Deephaven Industrial Estate.

The boundaries of each of the areas (a) - (e) as shown on Inset Map 16 should be marked more clearly. Further, our clients are not clear how the measurements of areas (a) - (e) have been arrived at. Please confirm.

To aid identification, the whole of the Highland Deephaven Industrial Estate should be outlined and shaded or hatched on Inset Map 16. This will also help to clarify that the areas around and between areas (a) - (e) still form part of the consented, developable area within the Estate.

2) On Inset Map 16 the boundary of the site should follow the high water mark along its whole length as shown on the approved plan. As currently drawn, the boundary line (a continuation of the Evanton Settlement boundary) has arbitrarily been moved away from the high water mark. The exclusion of these areas is completely unwarranted and indicates the removal of the existing planning permission from large tracts of developable land on which small stand-alone business or industrial developments could be located or which could form an integral part of a larger development or over which essential marine access could be gained from within the site.

Indeed, in the table in paragraph 37, the need for marine access is noted as a requirement for areas (d) and (e), yet in both cases such access has effectively been "cut off" by the drawing of the outer boundary line on the Inset Map.

3) Paragraph A17 repeats the wording of the currently adopted Local Plan and states that the Council will safeguard land between the A9(T) road and the railway line for amenity purposes with a presumption against development unless related to the agricultural working of the land.

However, also as per the currently adopted plan, the major part of this land (i.e. the field to the north east of the Allt Graad river) is shown on Inset Map 16 with a dotted line running through it. This line represents the rail siding and link to the

Highland Deephaven Site which is referred to in Chapter 6, paragraph 37. This rail link to the site has been safeguarded in successive local plans and, in 2003, detailed planning permission was granted over this northern field subject to a Section 75 Legal Agreement (currently being finalised).

Paragraph A17 and Inset Map 16 are inconsistent with other parts of the written statement and do not reflect the current planning status of the land in question. Paragraph A17 should relate only to the field between the A9 and the railway line to the south west of the Allt Graad river. The "A17" label on the Inset Map should be removed from the northern field, the boundary of the Highland Deephaven Industrial Estate site should be extended to include this field and it should be labelled "37" (i.e. to make specific reference to Chapter 6, Paragraph 37).

We trust you will give proper consideration to the above and make the necessary amendments to the written statement and Inset Map when publishing your pre-inquiry modifications.

3.2 **Mr A Macdonald [CD30/140]**

There is no justification for the inclusion of Areas Ref: (d) & (e) in the industrial allocation. The areas have been included in the 5 year plan for 30 years and have come to nothing. Reality should be acknowledged and the area de-zoned.

I think it shameful that the prime industrial land owned by Deephaven Ltd has produced so little development. Ross & Cromarty Enterprise should be encouraged to acquire a significant proportion of the land, provide the necessary infrastructure and promote it for employment generating development.

Deposit Draft with Modifications (Proposed Changes)

3.3 The objections in this respect indicates
McGrigor Donald for Highland Deephaven Ltd [CD30/62]
*Written Statement: Chapter 6, Landward area: Paragraph 37,
page 35 Map location: Inset Map 16: Evanton*

Paragraph 37 (Economic Development - Large Business and Industrial Sites), following pre-inquiry modification, states that our clients' land is allocated for a mix of business and industrial uses [B/I] in accordance with the original master plan. Paragraph 37 then contains a table identifying 5 areas, labelled (a) - (e), totalling 106 hectares, which are said to comprise the main areas of development. Thereafter paragraphs 37 following pre-inquiry modification, states that other opportunities exist for smaller stand alone uses on residual areas of the site but the overall developable areas have been reduced through the development of the A9(T) and also by the presence of the Cromarty Firth Special Protection Area (SPA). In turn, Inset Map 16 appears to show these areas as if they comprise the whole area of the Highland Deephaven Industrial Estate and following pre-inquiry modification, although the Inset Map is to include the extent of the original masterplan, it is still to take account of the existence of the A9(T) and the Cromarty Firth SPA.

In terms of extant Planning Permission, reference W/6266/J/2523, dated 16 October 1973, to which the master plan relates, the land allocated for business and

industrial use at Highland Deeaphaven extends in all to 175 hectares. We enclose a copy of the plan showing the site to which this planning permission relates ("the approved plan").

Our clients recognise that development proposals within the site require to be assessed in light of their proximity to the SPA. However, we submit this can properly be dealt with by the imposition of appropriate conditions, as was the case in the recent grant of planning permission for the extension of the existing jetty. Accordingly the Highland Deeaphaven Industrial Estate as described in Paragraph 37 and shown on Inset Map 16 should remain the whole area which benefits from planning permission as shown on the approved plan.

Specifically, our clients objections are as follows:-

1. The boundaries of each of the areas (a) - (e) as shown on Inset Map 16 should be marked more clearly. Further, our clients are not clear how the measurements of areas (a) - (e) have been arrived at and we should be grateful if you would please confirm this.

2. To aid identification, the whole of Highland Deeaphaven Industrial Estate should be outlined and shaded or hatched on Inset Map 16. This will also help to clarify that the areas around and between areas (a) to (e), still form part of the consented, developable area within the Estate.

3. On Inset Map 16 the boundary of the site should follow the high water mark along its whole length as shown on the approved plan. As currently drawn the boundary has been moved away from the high water mark due to the existence of the A9(T) and the Cromarty Firth SPA. The concerns for the SPA should properly be dealt with by the imposition of appropriate conditions and should not alter the boundaries of the existing planning permission. The exclusion of these areas indicates the removal of the existing planning permission from large tracts of developable land on which small stand-alone business or industrial developments could be located; or which could form an integral part of a larger development; or over which essential marine access could be gained from within the site. Indeed, in the table in paragraph 37, the need for marine access is noted as a requirement for areas (d) and (e), yet in both cases such access has effectively been "cut off by the drawing of the outer boundary line on the Inset Map.

***Written Statement: Chapter 16, Amenity: Paragraph 17,
page 66 Map Location: Inset Map 16: Evanton***

Paragraph A17 repeats the wording of the currently adopted Local Plan and states that the Council will safeguard land between the A9(T) road and the railway line for amenity purposes with a presumption against development unless related to the agricultural working of the land.

However, also as per the currently adopted plan, the major part of this land (i.e. the field to the north east of the Allt Graad river) is shown on Inset Map 16 with a dotted line running through it. This line represents the rail siding and link to the Highland Deeaphaven Site which is referred to in Chapter 6, paragraph 37. This rail link to the site has been safeguarded in successive local plans and, in 2003, detailed planning permission was granted over this northern field subject to a Section 75 Legal Agreement.

Paragraph A17 and Inset Map 16 do not reflect the current planning status of the land in question. Paragraph A17 should relate only to the field between the A9 and the railway line to the south west of the Allt Graad river. The "A 17" label on the Inset Map should be removed from the northern field, the boundary of the Highland Deephaven Industrial Estate site should be extended to include this field and it should be labelled "37" (i.e. to make specific reference to Chapter 6, Paragraph 37). This would properly reflect the current planning status of the land in question and it is clear from the text of Paragraph 37 that the rail siding and link to the Highland Deephaven site are subject to a Section 75 Agreement.

The Council's Response

3.4 **McGrigor Donald for Highland Deephaven Ltd [CD30/62]**

1) It is agreed that the overall area granted planning permission was some 175 ha. The land area referred to in the Deposit Draft Local Plan carries through the interpretation of the main developable areas used in the adopted Easter Ross Local Plan. The developable areas were confirmed by the Reporter in findings of the Easter Ross Local Plan, June 1991. These have been adjusted to take account of the presence of the Cromarty Firth SPA.

3.5 There is a need to depict the boundary of the site that has benefit of planning permission in both the text and through the relevant mapping. This will, however, be restricted to the boundary of the Cromarty Firth Special Protection Area (SPA) which extends inland beyond the high water mark and also that of the A9 trunk road. Development proposals within the SPA will require consideration of the effect of development on the natural heritage designation. The extent of the site following these considerations extends to some 152 ha.

3.6 2) As stated above the boundary of the Highland Deephaven Industrial Estate is constrained by the presence of the Cromarty Firth SPA, the boundary has been redrawn to reflect this constraint. The designation does not necessarily preclude the development on this area of land or prevent marine access but there would be a need for an Environmental Impact Assessment regarding the likely effects upon the designation.

3.7 3) The detailed planning permission is subject, as you state, to the signing of a Section 75 legal agreement. A condition of the approval, condition 13 **[THC 16/3]** was the safeguarding, for agricultural use, the area of land not utilised by the rail line. This condition removes the residual land from industrial use which is reflected in the "A17" annotation and relevant policy text contained within the Evanton settlement chapter. The retention of this area is important to maintain a buffer between the village of Evanton and industrial uses as well as between Evanton and the A9.

3.8 Modifications to Policy 37 were offered in respect of the objections. In first sentence delete first sentence, replace with *"At Highland Deephaven land is allocated for a mix of business and industrial uses [B/I] in accordance with the original master plan. Main areas of development include:-"*Immediately below table insert *"Other opportunities exist for smaller stand alone uses on residual*

areas of the site. Development of part of the site has taken place accommodating the pipe spooling facility. The overall developable areas have been reduced through the development of the A9(T) and also by the presence of the Cromarty Firth Special Protection Area(SPA)."

- 3.9 Modifications were also offered in respect of the Evanton and Highland Deephaven Inset Map to include extent of the original masterplan, but taking into account the existence of the A9(T) and the Cromarty Firth SPA.
- 3.10 **Mr A Macdonald [CD30/140]**
The allocations as they stand reflect the extant planning permission in respect of a masterplan for the overall development of the site. This permission forms the basis for potential future development and is required to be taken account of. The approval (subject to S75) of planning permission in relation to the provision of a rail link to the Highland Deephaven site may through its implementation attract further investment to the site.

4. Conclusion

- 4.1 The removal of the route indicating the rail link to serve the Highland Deephaven site was the result of a cartographic error and The Council will **amend** the next draft of the Plan to reinstate the rail route.
- 4.2 The extent of the approved master plan has been overtaken by certain events and it is not realistic to seek reference to the whole approved master plan area, 175 ha. The presence of the A9 within the overall area removes any development potential for part of the area and the presumption against development in the area covered by the BP4 policy area requires an over-riding economic interest for development to take place.
- 4.3 The SPA and its impact on potential development was accepted within the objection to the Deposit Draft Local Plan. The status of the Background Policy 4 has a presumption against development other than where there are over-riding environmental or public health and safety grounds or unless there are imperative reasons of over-riding public interest including those of a social or economic nature. Given this context, to continue to show the full extent of the master plan area would not give due regard to the level of constraint applied by the presence of the BP4 policy area. As stated in evidence submitted by the objector development can still be secured within the BP4 policy area as was the case with jetty extension and quay. Some of this development took place outwith the extent of the master plan boundary indicating that the extent of the master plan boundary was not a deciding factor in the success of the development application. The presence of the BP4 policy area takes precedence over rights for development and was not in place at the time of the approval of the master plan. Its existence now is a material consideration that overrides the principle of development conveyed in the master plan approval, and reflects the approach inherent in the precautionary principle(para 2.1 above).
- 4.4 In reference to the sub-division of the site into the particular areas of development

- these were originally presented in the Adopted Easter Ross Local Plan, they were the subject of Local Plan Inquiry where the Reporter found that the categories contained within page 25 of Report on Public Local Inquiry [THC 16/2] were broadly compatible with the master plan framework. These areas have been adjusted for the review of the Plan to incorporate the existence of the Cromarty Firth SPA and that of the A9.
- 4.5 The retention of the Amenity area A17 is entirely consistent with that of the Adopted Local Plan[CD4] where Policy 3.29 stated that “*The Council will safeguard land between the new A9 and north railway line for amenity purposes. A presumption will be maintained against development within this area unless related to the agricultural working of the land.*” The application for the revised rail link, whose approval has yet to be finalised, is subject to condition 13 [THC 16/3] in respect of the retention of the undeveloped land being retained in agricultural use. The annotation of the whole site as industrial would give a false impression of the land use activities allowed on the land. In restoring the route of the rail link the Council will annotate the route of the rail link to ensure its status is acknowledged in relation to activities at Highland Deephaven.
- 4.6 In relation to the depiction of the extent of the Highland Deephaven site the Council has an intention to produce the final adopted version of the plan in colour. This will remove the confusion in regard to the extent of allocated sites.
- 4.7 **Accordingly, The Council would ask that the Reporter recommends no change to the content of the Deposit Draft with Modifications, in respect of these matters, excepting the amendment highlighted in paragraph 4.1 above.**