Highland Council Inner Moray Firth Local Development Plan Comments received for the consultation that ended on 13th December 2013 ordered by Site

Customer N	Number 01036	Name Braha	n Estate		Organ	isation	
Agent Nam	e amd Organisation (if	applicable)	Administrator Yvor	nne Macdonald		G H Johns	ston Building Consultants
Section	4.Development Alloca	ntions		Paragraph			
Reference	MB1			Туре	Change		Comment Late No
Comment C	hanσes						

This objection is to the omission of a land allocation south-west of Maryburgh for mixed use development including approximately 270 houses. It concerns the effectiveness of the allocation MB1 as presented in the PLDP, and presents an alternative that will also facilitate delivery of MB1. (1) Add "Mixed Use: as MB3 (ie. MU3 in MIR) Maryburgh Expansion Site (South) Area: 24 ha. Uses: approximately 270 homes, business, community facilities and open space; subject to access (to the A835) to be agreed with Transport Scotland and a developer masterplan". (2) Add reference to the supporting role of Maryburgh (and other similar centres je. Conon Bridge) to para. 3.10 (Visjon) and 3.12 (Strategy) consistent with Map 6. (3) Adjust MB1 to reflect the requirement for a framework to co-ordinate development and phasing of MB1. MB2 and MB3 (ie. MU3 as proposed at (1) above) to include phasing from the east and/or west; and a reference to the potential for "early development on land at the interface of MB1 and MB2 (off Birch Drive) consistent with the capacity of infrastructure and services".

Representation

Grounds of Objection 1. This objection concerns the omission from the PLDP of the some 24 ha. of land at Brahan Estate, adjoining Maryburgh to the south and west. It should be read in conjunction with the representations lodged on behalf of Brahan Estate to the MIR (MU2/MU3) and with the planning authority's response; and with a representation in relation to MB2 lodged on behalf of Brahan Estate. It is not an objection to any of the Brahan Estate lands allocated at MB1 or MB2 which are available and should remain identified for development. 2. The grounds of objection are that the PLDP presents an ineffective framework for expansion of Maryburgh; and that its contribution to a Growth Area economic development strategy, as a sustainable community is suppressed as result. Specifically: •that land at MB1 was found by evidence not to be able to be assembled and delivered in the terms the PLDP proposes; •that land owned by Brahan Estate (24 ha.) which the Council acknowledges as suitable for development and the appropriate direction in which Maryburgh should grow, provides an alternative that would not be dependent on land assembly and would also facilitate development of MB1 and MB2; •that Scottish Planning Policy 2010 does enable access from the A835 to serve expansion of Maryburgh if it is found to be feasible; and that it can only be properly investigated and expansion objectives for Maryburgh delivered, if the 24 ha, of land above is allocated in the development plan, albeit with that caveat. Following from this objection the IMFLDP should allocate 24 ha. of land at Brahan Estate for mixed use (primarily housing); there should be a revised framework for phasing development; and adjustments to the Ross-shire Growth Area (Vision and Strategy) reflecting the PLDP acknowledgement that Marybugh is identified as part of the Growth Area and offers significant potential for housing growth, consistent with Map 6. The Proposal 3. The Brahan Estate land adjoins Maryburgh to the south/west. It straddles Dunglass Road and connects with the Brahan Estate interests at MB2 and (part) MB1. The Council agrees (para. 4.156) that this is the future direction for growth, "if suitable access can be gained". On that basis and given the factors affecting MB1 - set out in the response to the MIR and as follows - the planning authority is obliged to facilitate investigation of "suitable access". 4. The land requires a new access to the A835(T). Scottish Planning Policy 2010 states "the case for such junctions will be considered where significant economic growth or regeneration benefits can be demonstrated". 5. Maryburgh is located in the strategic Ross-shire East Growth Area as identified in the PLDP (Map 6) and it is linked to the national road network, the primary transport artery within the Growth Area. The Growth Area includes the major Oil& Gas/Renewables site at Nigg recognised in the National Planning Framework as a strategic contributor to the national economy and prosperity. 6. This economic development strategy is founded on "land for 5,750 homes and 900 ha. of employment land focussed on existing settlements and employment areas". Maryburgh is an existing settlement; it lies within 3km of a "key service centre" (Dingwall) (PLDP para, 3.12), and between two "strategic allocations" for economic development (Dingwall and Muir of Ord) (para. 3.11). The role of Maryburgh in supporting that strategy and economic development objectives derives from its position within the Growth Area and is evident by the PLDP recognition that "significant potential exists for housing growth" (para. 4.152). 7. In terms of supporting economic growth - and the national economy - that is

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as strong a case as there could be for access to A835(T). When that access would deliver an effective and available land supply within the Growth Area that case is strengthened. 8. This gives further emphasis to the obligation on the planning authority to facilitate proper investigation of an access to the A835(T). That can be accomplished by the allocation of the Brahan Estate lands (24 ha.) for development, with appropriate caveat, subject to agreement on all relevant matters including access to the A835. An allocation of land in the development plan would give the necessary security to commit resources to a Transport Assessment ie, the evidence base for consideration by Transport Scotland, Should this be preceded by a Transport Scotland appraisal, then the development plan is the basis on which that should be initiated. Unless the land is allocated and - provided an access is proven to be acceptable - its potential for development recognised, then that investigation would not reasonably proceed. 9.Scottish Planning Policy 2010 - in the interests of sustainable development - states (para, 77) "Planning authorities should set out a settlement strategy in the development plan to provide a long term context for development. Key considerations in a settlement strategy are:...• the efficient use of existing...land and infrastructure. • accessibility of homes...by a range of transport options. • co-ordination of housing land release with investment in infrastructure including transport...: • the deliverability of the strategy...and that (para, 166) "The relationship between transport and land use has a strong influence on sustainable economic growth, and this should be taken into account when preparing development plans and in development management decisions". The planning authority should be pro-active and seek to facilitate development particularly in a Growth Area. Not to do so in these circumstances, especially when it agrees that growth should take place to the south-west of Maryburgh, is to frustrate development. 10.The land MB1 has already been the subject of a collaborative initiative - during 2007-11 - by the landowners in consortium to make that land effective through the masterplan approach as prescribed in the Ross and Cromarty East Local Plan (the existing development plan) adopted 2006. The purpose was a comprehensive approach, land assembly, shared infrastructure and incremental development. 11. That initiative included the purchase of property and land to form a distributor access; obtaining a planning permission to form the access; an approved loan of £0.626m by the Highland Council to fund land assembly and feasibility/masterplanning; and a Proposed Minute of Agreement by the Highland Housing Alliance to underwrite purchase of the land (MB1) by that agency as a basis for marketing and infrastructure provision. Despite those initiatives, the land MB1 could not be assembled and it failed to deliver the expansion of Maryburgh as proposed in the development plan. 12. The PLDP makes provision for that same allocation (albeit slightly reduced to the west), same masterplan approach and the same phasing principles (from the east) with no changes to the purpose of the Ross & Cromarty East Local Development Plan. That it has been tried and failed already - and recently at that - does not make the land unsuitable for expansion per se, but it cannot be guaranteed as effective and deliverable; and for that it should be an option only. Despite the agency intervention and approved public funding, it was not possible to assemble MB1. What is required is a "generous supply of appropriate and effective sites being made available" and that "wider economic objectives are taken into account" as Scottish Planning Policy 2010 (para, 70) states, and a strategy that offers a new dimension, not dependent on land assembly and which can be delivered to the market. 13. Further to the Council's acknowledgement of its suitability, the Brahan Estate land - which is in one ownership and not dependent on any third party - would facilitate that; and accommodate a wider range of uses and activities than the PLDP proposes ie, including, business, community and structural open space, much more in keeping with the expectations of a sustainable community. 14. The new dimension the Brahan Estate land would bring would also facilitate the land the PLDP allocates ie, the delivery of MB1 and MB2 by introducing flexibility in phasing, enabling development to proceed from the west and the east. That is bound to improve the prospects of developing MB1 and represents a positive response to the constraints affecting MB1; and a fundamental enhancement of the strategy the planning authority promotes. 15. That is material also because the access and phasing plan the PLDP promotes for MB1 is understood to present a threshold at 70 houses that requires Transport Assessment in light of the implications for the A835 roundabout/Proby Street. Were a Transport Assessment to reveal a constraint and the capacity of 200 houses curtailed, that outcome would have implications for both MB1 and MB2. 16. The Brahan Estate land would facilitate wider transport and circulation advantages to Maryburgh and betterment to the A835. These include relieving the A835 roundabout/Proby Street; and the potential to rationalise existing Estate junctions with the A835 further west which facilitate access to public events, a significant outdoor recreation resource, visitor facilities, a caravan site, farm and industrial premises. 17. Given the potential it brings to resolving a confirmed "brake" on the availability MB1 and MB2, and the Council's agreement to development in principle, there is no justification for omitting a substantial land holding adjoining an existing settlement, accessible to the sub-regional transport network, and which serves a "Growth Area" founded on economic development and major employment. 18.It is even less justifiable when the MIR identified the Brahan Estate land as preferred, the community raises no substantive opposition and the Council itself endorses the Brahan Estate lands as the favoured direction for expansion of Maryburgh. The planning authority states (Schedule 4) "The delivery of this site (MB1) is key to the future expansion of Maryburgh". What is "key to the future expansion of Maryburgh" is the allocation of land that can deliver expansion. Masterplan/Development Brief 19.MB1 and MB2 appear to be subject to "a masterplan/development" brief to be adopted as supplementary guidance". This should not be exclusive to the Council, but available to be prepared by landowner/developers. It should be termed a "framework for development" whose purpose should be an overview, ensuring a framework that protects the developability of all of the landholdings (MB1, MB2 and (as proposed) MB3 ie. the additional 24 ha.) involved. 20. Anything more elaborate (a masterplan as defined in PAN 83) is premature to a binding commitment of the landowners, if it is to resource and address transport impacts. delivery of a distributor, servicing (including foul drainage) and utilities, flood risk, surface water drainage and landscaping which policy prescribes. The Council has previously acknowledged these to involve considerable cost by dint of its previously approved funding commitment. That binding commitment was not able to be achieved. Conclusion 21.In relation to the Brahan Estate interest, the IMFLDP should allocate 8.2 ha. of land for housing MB2 with the scale of early development determined by spare capacity in infrastructure; a further 24 ha. for expansion subject to a suitable access to the A835; and in seeking to assimilation these lands with MB1 (including the Brahan Estate land as allocated) it should seek a "framework for development" and

acknowledge that that could be prepared by landowner/developers. Recommendation (1) Add "Mixed Use: MB3 Maryburgh Expansion Site (South) Area: 24 ha, Uses: approximately 270 homes, business, community facilities and open space; Requirements; subject to access (to the A835), a developer masterplan to include a landscape framework; access to be determined by Transport Assessment and in agreement with Transport Scotland". Appropriate references (as the Council proposes at MB1) to core paths links, international conservation designations, flood risk and archaeology are not opposed. (2) Add reference to the supporting role of Maryburgh (and other similar centres ie, including Conon Bridge) to para, 3.10 (Vision) and 3.12 (Strategy) consistent with Map 6: Ross-shire Growth Area. (3) Adjust MB1 to reflect the requirement for a framework to co-ordinate development and phasing of MB1, MB2 and MB3 (as proposed at (1) above); to include phasing from the east and/or west; and a reference to the potential for "early development on land at the interface of MB1 and MB2 (off Birch Drive) consistent with the capacity in infrastructure and services". Documents Proposals Map: Proposed Adjustment Report by Director of Housing and Property and Minute Allocated to Maryburgh General General Customer Number 04355 Name | Eilidh Green Organisation Maryburgh Community Council Agent Name amd Organisation (if applicable) Section 4.Development Allocations Paragraph Reference Type Change Comment Late No Comment Changes MCC are disappointed that the area to the south of Maryburgh along Dunglass Road was removed from the original proposed IMFDP. Given the long term nature of this plan. we would like the council to reconsider and ask that it be reinstated as an area for future development. Representation We ask that the area be considered for mixed use, with preference given to MB1 and MB2 being developed ahead of this area. Allocated to Maryburgh General General

Colonia November 194500							7	
Customer Number 01680 Name Mr A	ndrew Matheson	Organisation	Maryburg	h Community Council				
Agent Name amd Organisation (if applicable)								
Section 4.Development Allocations		Paragraph						
Reference MB1		Type Ch	ange		Comment Late	No		
Comment Changes					'			
Allocation of a further 24 ha of land for resident	ial and mixed use	adjoining Maryburgh t	o the West and b	elonging to	Brahan Estate.			
Representation								
development because it is in the single ownership of development subject to it being developed under a so owners together with their advisors, the Highland Co huge amount of time and effort which ultimately fail constructed until other land is zoned. Maryburgh ha reasonable size of development with a healthy mix of consultation, should be reinstated in the IMFLDP in	single master plan. So puncil, the Highland iled. There seems no as been starved of ne of different types of	Strenuous and lengthy no Small Communities Hou Dikelihood of reaching a lew housing for many yea housing is now the area	egotiations have tausing Trust, Albyn Hagreement in the functions. There is a substate to the south west	ken place to lousing and t iture and the cantial desire	endeavour to agree on th the Highland Housing Allia result is that only very a l within the community to	e drafting of a master plan ance were all involved and limited number of houses expand and the only oppo	n. The 4 put in a will be ortunity for a	
Allocated to Maryburgh	General	ıl						
Customer Number 00430 Name Mr R	onnie MacRae		Organisation	Highland :	Small Communities Hous	sing Trust		
Agent Name amd Organisation (if applicable)								
Section 4.Development Allocations		Paragraph						
Reference MB1 Maryburgh Exp Site North Type Support Comment Late No								
Comment Changes					'			
Representation								
That a flexible approach is taken to road access to N housing capacity should be provided on the lower si	• -	owing for development o	f a smaller phase o	f housing de	velopment with access fro	m Donald Cameron Court.	Denser	
Allocated to Maryburgh	MB1 Marybi	urgh Expansion site (Nor	th)					

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Customer Number 04060 Name Jennifer Ross		Organisation		
Agent Name amd Organisation (if applicable)				
Section 4.Development Allocations	Paragraph			
Reference MB1	Type Cha	ange	Comment Late No	
Comment Changes				
It is more a confirmation of procedures involved rather than an object an extra 200 homes would have on an already overloaded Ussie Burroccasions I seek some confirmation that adequate provision for additionable the outset of the building works. If this is overlooked my concern is the works.	n is somewhat worryi tional drainage will b	ing. Being flooded twice in the Using that the Using made. Also that the Using made.	n the past 7 years and coming close on a r sie Burn maintenance will be taken into co	number of other onsideration from
Representation				
My reasons for clarification on this point are fairly self explanatory. As a c to know that the problem is not entirely resolved at present should highlig years. Again I stress that this is not an objection to the development per se for upkeep and/or upgrading of this area to enable suitable preventative ac	ht my concern that bu e, I am simply looking	uilding work will exacerbate for some kind of confirmati	a problem which has been merely laying dorr on that appropriate action will be taken to ma	mant for the past few
Allocated to Manyhurgh MP1 Manyhurg	h Evnancion cito (Nort	-h)		

Customer N	umber 04364	Name Kat	harine Rist		Organisation	Woodlar	d Trust	
Agent Name	amd Organisatio	n (if applicable)						
Section	4.Development Al	ocations		Paragraph				
Reference [MB2			Туре	Change		Comment Late No	
Comment Cl	hanges			_				
Site sparsely Opposed.	wooded but enti	e site is AW and	part of Broa	d Wood adjoining to S. AW	already lost to hou	sing on Ea	st of site. Site is appropriate for rehabilitat	ion of AW.
Representat	ion							
significant nu development supplementa industry and Highland Wic regional or na national reso therefore wa	umber of ancient wo We believe that any ry guidance notes to creating recreation de LDP policy create ational importance. urce and should be rrants protection fro	odland indicators ncient woodland is nat woodlands and opportunities. (a presumption in Both the Woodlar protected and enlow development.	can be consider amongst the different of the considerations of the contract of	dered as ancient and is thereformost precious and biodiverson ultiple benefits in terms of a sinclude the cumulative impatecting woodland. The Highla and and Scottish Planning Powoodland Trust Scotland wous impacts on ancient woodlan	ore high value for cone habitats in the UK addressing climate chant of woodland remond Wide LDP in policity at para 148 consible like to see a clear sed in a number of way	servation a nd is a finite inge, impro wal, and fra y 57 recogn der ancient statement t s including	ry (AWI) which is present on historical maps of and worthy of further study and is likely to pose resource which should be protected. Highla ving the water environment, providing valuab gmentation of habitat. Both Scottish Governmises ancient woodland as (depending on the and semi natural woodland to be an importa hat the loss of ancient woodland cannot be motherically, disturbance by human activity, from all effects which should not be considered in is	se a constraint on nd Council le habitats, timber nent policy and the category) of nt and irreplaceable nitigated, and agmentation, and
Allocated to	Maryburgh		MB2	Maryburgh Expansion site (S	outh)			

Customer Number 04242	D		0		
Customer Number 04213 Name Philip	Burgin		Organisation		
Agent Name amd Organisation (if applicable)					
Section 4.Development Allocations		Paragraph			
Reference MB2		Туре	Change	Comment Late N	0
Comment Changes					
Reconsideration to be given to allocation for hou	use building.				
Representation					
There have been numerous clinical studies carried on high voltage power lines running through MB2 with this perspective, irresponsible to deliberately expose http://news.bbc.co.uk/1/hi/health/1202453.stm http://www.dailymail.co.uk/health/article-28385/Ptm	supporting pylons. minors to the increas p://www.greenhealth	lised risk of developi nwatch.com/newss	t would be morally, and ng a childhood cancer. tories/newsmobilephon	it could be argued if one were clinically http://www.theguardian.com/society/es/powerlines-double-leukaemia.html	y qualified to pass comment fron /2007/apr/28/health.science
Allocated to Maryburgh	MB2 Maryburg	gh Expansion site (South)		
Customer Number 04213 Name Philip	Burgin		Organisation		
Agent Name amd Organisation (if applicable)					
Section 4.Development Allocations		Paragraph			
Reference MB2		Туре	Change	Comment Late N	0
Comment Changes					
Reconsideration given to the actual site of propo	sed buildings.				
Representation					
There is a stream running through MB2 which would this would have on the immediate area would require	•			uilding plans could be drawn up.	The attendant disrupt
Allocated to Manyburgh	MR2 Maryhuro	th Evnansion site (South)		

Customer N	er Number 01036 Name Brahan Estate						Org	anisation			
Agent Name amd Organisation (if applicable) Administrator Yvon					onne Macdonalo		G H Johr	ston Build	ding Consultants		
Section	4.Develo	pment Alloca	tions			Paragraph					
Reference [MB2					Тур	Change			Comment Late	No

Comment Changes

(1) MB2 should be Maryburgh Expansion Site ("West"). (2) MB2 "Housing Capacity" should be "approximately 95". - and as referred in relation to the proposed allocation of a further 24 ha. of land at Brahan Estate; (1) Add "Mixed Use; as MB3 (ie. MU3 in MIR) Maryburgh Expansion Site (South) Area: 24 ha. Uses: approximately 270 homes, business, community facilities and open space; subject to access (to the A835) to be agreed with Transport Scotland and a developer masterplan". (2) Add reference to the supporting role of Maryburgh (and other similar centres ie, Conon Bridge) to para. 3.10 (Vision) and 3.12 (Strategy) consistent with Map 6. (3) Adjust MB1 to reflect the requirement for a framework to co-ordinate development and phasing of MB1, MB2 and MB3 (ie. MU3 as proposed at (1) above) to include phasing from the east and/or west; and a reference to the potential for "early development on land at the interface of MB1 and MB2 (off Birch Drive) consistent with the capacity of infrastructure and services".

Representation

Grounds of Objection 1. This objection concerns the provisions made in the PLDP that affect the delivery of land at MB2; and that those "requirements" applied to MB1 are superimposed and are not clear. This representation should be read in conjunction with the representations lodged on behalf of Brahan Estate to the MIR (MU2/MU3) and with the planning authority's response: and with a representation in relation to MB1 lodged on behalf of Brahan Estate. 2. The grounds of objection are that the PLDP presents an ineffective framework for expansion of Maryburgh; and that its contribution to a Growth Area economic development strategy and its development as a sustainable community is suppressed as result. Specifically that: • the allocation MB2 may be substantially dependent on an access distributor phased from the east; that is dependent in turn on land assembly that has not been achieved despite a recent initiative and the availability of public and agency funding to facilitate it; and thus the alternative strategy brought forward on behalf of Brahan Estate would help deliver of MB2; • that the potential for "early development on land MB2 (off Birch Drive) should be consistent with the capacity in infrastructure and services": and: • that a framework to co-ordinate development of MB2 with adjacent allocations is required and that should be for preparation by developer/landowner interests, not exclusively by the Council. 3. The alternative strategy referred to above is proposed by Brahan Estate and set out in the corresponding representations to MB1. It would facilitate access to MB2 and MB1 from the west; and thus the phasing of development from two directions enabling access in the first instance to two of the three landholdings that comprise MB1, and ultimately enabling access to the third from the east and the west. That is a substantive improvement on the circumstances the PLDP promotes and would deliver all of MB2 without the need for an 800m distributor road. 4. The land MB2 and the westernmost 1.0 ha. of MB1 is owned by Brahan Estate. The Estate wishes that the allocation of its interests is confirmed within the development plan. 5. The policy must recognise in principle that development of MB2 (in part) should proceed in accordance with available capacity in infrastructure and services; and it is that which should determine the scale of development and the extent to which it might be "limited". 6. The provisions for MB2 are not interchangeable with MB1. It is assumed that 200 houses is not allocated at MB2. The expectation that 17 ha, of land would accommodate 200 houses on MB1 would give a density factor of 11 homes per ha.; applying that pro-rata to MB2 would give a capacity for MB2 of some 95 houses. Whatever is meant under MB1 by "limited housing development", a brake on development that frustrates a greater proportion of that capacity would represent a considerable loss of housing to Maryburgh. 7. That is underscored by the terms in which MB2 (as expressed in the PLDP) would develop. In that regard, MB2 as configured in policy, would be substantially dependent on phasing MB1 from the east and the provision in that context of a distributor road of some 800m in length. MB1 cannot be opened up at all from the east without the first 100m of a new distributor road. By comparison, the distance between MB2 and the A835 would be less than half of that distance. 8. The inability of an agency initiative with public funding less than four years ago to assemble the land in three ownerships and thus enable development of MB1, has serious implications for delivering the substantive part of MB1 and MB2; and a clear risk that expansion of Maryburgh and the objectives of the development plan will be stymied. 9. The Council is obliged to act in a proactive way to resolve those circumstances. That is the purpose of the development plan. It can do so compliant with Scottish Planning Policy 2010, by allocating a further 24 ha. of land within the Brahan Estate ownership, enabling proper and full investigation of access to the A835 such that an effective land bank - including the land which it wishes to promote and which would otherwise be constrained - is able to be made fully effective. That scenario would not involve land assembly nor would it involve 800m of distributor access required to open up the substantive parts of the Brahan Estate allocation in MB1 or MB2. 10. These matters and the relevant policy implications are set out in the corresponding representation to MB1 lodged on behalf of Brahan Estate. As they have implications for MB2, they are referred to below also as

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recommendations in relation to MB2. Recommendation (1) MB2 is mistakenly referred as Maryburgh Expansion Site (South) whereas it should be Maryburgh Expansion Site (West). (2) The PDLP is not clear as to the capacity of MB2. Applying a pro-rata calculation based on MB1 (200 homes) would give approximately 95 homes. That capacity should be applied specifically to MB2. - and as referred in relation to the proposed allocation of a further 24 ha. of land at Brahan Estate; (3) Add "Mixed Use; MB3 Maryburgh Expansion Site (South) Area: 24 ha. Uses: approximately 270 homes, business, community facilities and open space; Requirements: subject to access (to the A835), a developer masterplan to include a landscape framework; access to be determined by Transport Assessment and in agreement with Transport Scotland". Appropriate references (as the Council proposes at MB1) to core paths links, international conservation designations, flood risk and archaeology are not opposed. (4) Add reference to the supporting role of Maryburgh (and other similar centres ie, including Conon Bridge) to para. 3.10 (Vision) and 3.12 (Strategy) consistent with Map 6: Ross-shire Growth Area. (5) Adjust MB1 to reflect the requirement for a framework to co-ordinate development and phasing of MB1, MB2 and MB3 (as proposed at (1) above); to include phasing from the east and/or west; and a reference to the potential for "early development on land at the interface of MB1 and MB2 (off Birch Drive) consistent with the capacity in infrastructure and services". Documents Main Issues Report Representation on behalf of Brahan Estate

Allocated to	Maryburgh	MB2	Maryburgh Expansion site (South)	