

# Highland Council Inner Moray Firth Local Development Plan

## Comments received for the consultation that ended on 13th December 2013 ordered by Site

Customer Number	00867	Name	Dietrich Pannwitz	Organisation	
Agent Name amd Organisation (if applicable)					
Section	4.Development Allocations		Paragraph	The land at Artafallie Farm, East of the A9	
Reference	Land East of A9 (Artafallie) Suitbale for Infill		Type	Change	Comment Late
				No	

### Comment Changes

The land East of ther A9 is suitable for infill development, especially land based, rural, green development and associated buildings and housing. This would reduce traffic pressure into Inverness by maintaining and creating jobs locally and allow rural business to restructure/diversify into other businesses.

### Representation

As part of the Scottish Government policies rural business should be supported as they form the backbone of rural Scotland. Diversification into fruit farming, nursery, renewable energy, farm shop etc, business should be supported. In order to maintain these local business and reduce travel distance to and through from work, local housing should be supported especially where it could be considered as infill rather than "hinterland" development. The land East of the A9 at Artafallie farm is excatly this - infill for a rural business and should be supported. This related to land at NH629494, land between the current and old A9 and adjacent (West) of the Toll House.

Allocated to	Tore	General	General	
--------------	------	---------	---------	--

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
Agent Name amd Organisation (if applicable)		Mr Alan Ogilvie		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph	4.179	
Reference	TR2		Type	Change	Comment Late
				No	

Comment Changes

1. Add the land to the north as requested at the previous stages of the Plan preparation. 2. Increase land area to 66 ha. and housing capacity to 500+ homes? 3. Under requirements delete the first sentence referring to development post 2021 etc. 4. Change preceding paragraphs to reflect the change.

Representation

We act for Broadland Properties Ltd (BPL), owners of a substantial land holding at Tore and forming the largest proportion of land allocation TR2. The other owners of land in this allocation are Mr J Cameron, (Balknakyle Farm), Mr A MacRae (Tore) and Mr M Mathieson (Tore Park). We made previous submissions at the Call for Sites (CfS) and Main Issues Report (MIR) stages seeking inclusion of this substantial area of land and a further area of land to the north in the Plan for a planned sustainable expansion of the settlement. We now advise of BPL’s support for the inclusion of TR2 in principle and the need for an overall master plan but object to the exclusion of land to the north of TR2 indicated as MU2 “non-preferred” in the MIR timescale and the for development “post 2021” for the reasons indicated below. Exclusion of land to the north In paragraph 4.179 of the statement, the reference to considering the inclusion of land north of TR2 in subsequent Local Development Plan reviews is not helpful to the proper master planning of the area. We are very much aware that some of it “is more sensitive from a landscape and visual perspective” and that “an advance structural planting requirement to buffer the A9, and possibly some advance additional tree planting within the site to provide some softening for proposed development areas would improve the case for” its inclusion “in a future Local Development Plan review”. However, this is unrealistic if the land to the north is not part of the allocation in the first place. Indeed with a statement like that the land would be as well included from the outset. The next part of this paragraph then causes confusion particularly in relation to the land that the Proposed Plan allocates and describes under TR2. The first part of the statement under TR2 states that the land south of the Killen road is “identified for development post 2021 subject to a developer prepared masterplan to support the site’s inclusion in the next Local Development Plan review.” Yet the last sentence of paragraph 4.179 suggests that the land north of the Killen road is treated in the same way. “These measures alongside inclusion of this land” (i.e. north of the Killen road) “within the developer prepared masterplan as a well-balanced, designed and sited, mixed use development could ensure that the landscape and visual impact of development is suitably softened could prove sufficient to merit its inclusion in a future Local Development Plan review.” If the Council views the structural landscaping on the land to the north as an integral part of the master plan area and is minded to consider its future inclusion then this land should be included as part of the TR2 allocation. In setting out how the future development of the whole area will shape up it is important that both areas of land should be considered together as part of the same master plan. They are intrinsically linked, not just in terms of access and structural tree planting but also the determination and the distribution of appropriate uses, detailed infrastructure studies and environmental assessments, as well as overall viability. In early discussions with Scottish Water it was indicated to us that they would only be prepared to make the business case for investment for one all-embracing development area. Scottish water also advised that a better case could be made if the Council supports the larger scale allocation we continue to seek. The extent and sizing of pipework to connect to the Muir of Ord WWTW will only account for allocated land and if this does not include the additional land to the north it will be more difficult to come back and accommodate it in future. Any related capacity study will also be more cost effective if it covers all the land now instead of in two parts. The same applies to detailed transport, flood risk, surface water, landscape, arboricultural implications and future school provisions assessments. It would also make sense for a community engagement exercise to cover both areas of land and not leave the northern part to the much longer term. In seeking inclusion of the additional land to the north we are not necessarily seeking an increase in the level of development commensurate with the percentage increase in land area. This is because we estimate that in view of the need for physical separation of certain uses, together with significant structural planting and open space, the land area as currently indicated may not be able to accommodate the level and range of development indicated under TR2 in the Proposed Plan. Inclusion of all the land will enable development based on a design concept that could see a village green as the commercial focus, other employment generating focal points and a choice in housing and affordable housing; set in a green context with opportunities for recreational access. Defining the northern edge of the development at the Killen road will artificially limit the achievement of these objectives as well as the ability to meet all the requirements listed in the Proposed Plan and could result in over-development of the land currently covered by the TR2 allocation. Post 2021 Timescale We note the Council’s reasons for deferring the timescale for development to post 2021. However, this does not take account of the need to fully service the existing land allocation at Woodneuk in Tore (now TR1) which the Council is minded to grant approval for. In the absence of a commitment to provide a more significant foul drainage system (as part of the planned expansion area) only up to 4 of the 14 houses in this development can connect into the

existing reed bed drainage system. The postponement until after 2021 also assumes almost full development of land allocations in other Black Isle communities in advance. There may be many reasons why prior development in other settlements will not occur and in such respects we would not wish the expansion of Tore to be held back by a particular date. This could, for example, play into the hands of another developer or landowner in other settlements who could decide to delay the release land to prevent development at Tore. We also appreciate that significant investment in infrastructure and services is essential to create the development opportunities and it is such investment that will dictate the timescale. In this regard our clients seek to build on the momentum that has only recently been achieved with Scottish Water. Likewise our clients wish to be able to follow up with a more detailed Transport Assessment with Transport Scotland whilst that agency still has the resources to respond. However, our clients fear that in deferring the commencement of development until after 2021 (8 or 9 years away) the relevant momentum will be lost. It is a rather simplistic approach to seek to maximise the use of existing infrastructure and sustainably grow and support existing communities on the Black Isle, in advance of the master planning of, major public investment, and then major expansion of Tore. The investment priorities of Scottish Water and the Council's Education Service will be prone to change before 2021 and could therefore have a significant bearing on whether the development commences. The Education Service Sustainable Schools Estates Review may well be completed within the next 2 to 3 years and if there is no active development proposal to consider in that timescale, even in the form of a master plan exercise, we fear that the opportunity to properly consider options for a new primary school at Tore will be missed. The recommendation that Tore's major expansion proposal should be phased for years 2021- 2031 is also perhaps a bit simplistic. The level of development suggested compared with the growth in other Black Isle communities in the last 10 years suggests that it will take more than 10 years before the land at Tore is taken up. Furthermore, the matter of broad timescales for developing settlements is for a more strategic level of planning, such as the Highland wide LDP. Whilst we accept that the largest proportion of housing development will be longer term there are other aspects of the planned expansion of the community that could address existing issues such as the early development of more sustainable transport initiatives like park-and-ride or the creation of employment for the wider Inner Moray Firth area. The potential to undertake significant advanced structure planting will also be influenced by when development could commence. Any developer is not likely to be in a position to commit to this expense so far in advance and on land not allocated. Development funding will not be secured to cover this against the longer term timescale for commencement or until there is certainty over the extent of land allocated and. We appreciate that master planning on this scale is a major commitment in its own right but achieving the co-operation of others, notably private investors, is less likely with a timescale for development being set so far ahead. This could also be undermined over the period up to 2021 if public investment is not included in capital investment programmes of the infrastructure and service agencies and then at the next Development Plan review the Council has to consider taking the TR2 allocation out of the Plan. It will be a matter for the master plan to indicate phasing at a rate and scale that respects the functioning of the land, particularly in terms of traffic impact, together with its character and the viability of the development. This could still mean a restriction to 50 houses per annum but over a larger area. We also accept that the mix of uses indicated in the Framework Plan submitted at the CfS and MIR stages should be re-visited as part of the master planning exercise. This includes giving consideration to business and industrial uses alongside the earlier phases of stages of the housing expansion.

Allocated to	Tore	General	General	
--------------	------	---------	---------	--

Customer Number	01057	Name	Jonathan And Alistair Martin	Organisation	
Agent Name amd Organisation (if applicable)		Administrator Yvonne Macdonald		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph		
Reference			Type	Change	Comment Late
				No	

Comment Changes

As per representation.

### Representation

We act for Messrs Jonathan & Alistair Martin of Garguston Farm, Muir of Ord and owners of land immediately to the south of the Tore grain mill and agricultural storage complex, indicated as TR4 in the Proposed Plan. We now write to object to the omission of the land on the south side of the grain mill from the TR4 allocation for the reasons indicted below. At the Main Issues Report (MIR) stage we had expressed concern that this potential IMFLDP land allocation was too restrictive in order to allow the potential future expansion to accommodate the demand for agricultural related uses. We also questioned why this agri-industrial complex, which is detached from the village of Tore, was not just left in the open countryside to allow further development to be treated on its merits and on the basis of operational practises, need and employment potential. We also expressed the view that if it was necessary for this complex and additional land to be included within the Tore Settlement Development Area with a specific boundary then expansion should be to the south and south east side. This was to give greater flexibility and reduce the potential impact on existing houses, which may not be compatible with large scale industrial processing and storage buildings. Our clients are aware of the demand for agricultural related businesses that offer a number of full time jobs and a degree of synergy with the existing Tore Mill facilities in terms of weighbridge, office/ administrative support etc. Expansion to the north would also potentially impact upon the ancient woodland and once developed result in coalescence with the allocated industrial site to the north east. In addition, development into the existing landscape bund and tree screen to the north is likely to open up a view of the imposing grain complex and its large silos to traffic approaching along the A9 from the north. This is because there is limited room for expansion without the significant removal of trees. This view aligns with the advice/views of SNH who expressed concerns “about the potential effect on long established plantation origin inventory woodland that covers part of the site.” SNH also suggested that “over-riding public benefits should be demonstrated, alternatives ruled out, losses minimised, pre-determination surveys undertaken and high standard of compensatory planting” provided. It is also their opinion that the existing woodland fulfils an important visual screen to the A9. On the southern approach along the A9 the buildings complex is already very visible and any future buildings erected on this side would be set against this established backdrop. However, development of this land would also offer the opportunity to provide some significant screening, which could be undertaken in advance and perhaps as part of a farm woodland scheme. We are concerned that the Council had given hope to our clients through indicating their land as “preferred” in the Alternative Sites and Uses consultation, recommending that it is included in the Plan subject to the relevant requirements only to then dash this hope. The Council must therefore have seen some merits in including it even accounting for the pros and cons listed in the consultation material. The pros – “not prime agricultural land, allows scope for expansion of business, possible economic benefit” – weigh more heavily in its favour. Whereas the cons – “outwith settlement boundary, landscape, visual and amenity impact needs to be mitigated by significant landscaping and tree planting, possible access issue” – can all be addressed or overcome. It is also of note that “SNH responded to this consultation suggesting that there might be scope to make part of Site I1 (ancient woodland Type 2b – long established of plantation origin) non-preferred rather than allocate both.” This suggests that the ancient woodland should not form part of the allocation and allow for the two “industrial” areas to be separately allocations. The limited access to land on the north side of the grain mill to allow development by any party other than the grain mill owners also suggests that the relevant area be removed from the allocation or at least the wooded area be safeguarded from development. Alternatively, we suggest that the grain mill complex and the development of additional agri-industrial uses do not require an allocation to be included within the Tore village SDA. Such uses generally require some separation from a settlement and the original development was considered on its merits accounting for the needs of agricultural industry. This approach is suggested in the Council’s response following the Alternative Sites and Uses consultation. This states: “However with advance planting this site’s ability to accommodate industrial expansion would be enhanced and if this were to be carried out it could be considered through a future Local Development Plan review or through assessment of a planning application against the general policies of the HwLDP including Policy 41 Business and Industrial Land which provides a policy exception for proposals outside of existing allocations where, “there is an unforeseen element to the requirement”. It is considered that it is more appropriate for the Plan to support I1 and not support this extension therefore it is recommended that this site is not included in the Plan.” In respect of the last sentence we therefore question why the existing grain mil complex is retained as part of TR4. In light of the above we request changes to the Plan as indicated in section 4 of this form. At the very least this should include allocation of our clients’ land as an extension to TR4. In doing so the matter of where boundaries of this land are drawn should be discussed in detail with the owners of the mill

complex and adjacent land, as previously advised. This will help ascertain any constraints and operational needs. In drawing up such boundaries there would also be a need to include sufficient land to allow for suitable landscape buffering notably on the southern edge and between the A9 and developable land on the west side. To help illustrate these points above we again attach an annotated aerial photograph of the area together with an over-marked copy of the Tore Inset Map.

Allocated to	Tore	General	General	
--------------	------	---------	---------	--

Customer Number	04117	Name	Tore Recycling Ltd	Organisation	Tore Recycling Ltd
-----------------	-------	------	--------------------	--------------	--------------------

Agent Name amd Organisation (if applicable)	Mr Neil Gray	Colliers Internatioinal
---	--------------	-------------------------

Section	4.Development Allocations	Paragraph	4.177
---------	---------------------------	-----------	-------

Reference		Type	Change	Comment Late	No
-----------	--	------	--------	--------------	----

#### Comment Changes

Please refer to attached representation. Seeking a change to the Proposed Plan to indicate the identification of land at Mullans Wood, near Tore, for Industrial use.

#### Representation

SUBMISSION ON BEHALF OF TORE RECYCLING LTD LAND AT MULLANS WOOD, KILCOY, TORE IV7 7SF Colliers International is instructed by Tore Recycling Ltd, owners of the property known as Mullans Wood, Kilcoy, Tore to respond to the current consultation about the Inner Moray Firth Local Development Plan (IMF LDP) – Proposed Plan, published for comments earlier this month. This representation indicates objection to the non-identification of land at Mullans Wood for general industrial use (Class 5). This representation seeks to persuade Highland Council to reconsider the merits in choosing to allocate land at Mullans Wood. In a previous representation lodged to Highland Council to the Inner Moray Firth Local Development Plan (IMF LDP) Additional Sites consultation of 28th June 2013, a case was set out by Colliers on behalf of the landowners as to why the site should be identified as a Proposal for general industrial use (Class 5). A copy of that representation is attached for reference. The key factors summarized from the previous submission, listed in support of allocating the site include: • Already has planning permission over 10 acres of the site, for a commercial recycling centre, reference 08/00155/FULRC. • A 10 acre part of the 22 acre site, is now operational, enjoys unrivalled, safe access direct from the A835 via a purpose-built slipway junction. It is therefore very well suited to movements by heavy goods vehicles, plant and other machinery and frequency of visits can be managed suitably. The site can therefore be expanded in capacity without any significant need for improvement to the infrastructure – as opposed to locating a Class 5 use elsewhere in Ross-shire or Inverness with potential risks to road safety. • The site is identified in the extant Ross and Cromarty East Local Plan as located in hinterland and development proposals governed by Policy BP2. This policy allows general support for development of an industrial nature providing no adverse impacts are demonstrated and that the use is compatible with existing use. That would be the case in this matter. • The 22 acres site has around 12 acres of land suitable for expansion of the current recycling use, or for compatible or associated commercial uses (Class 5, 6 or sui generis). Any expansion is unlikely to cause detrimental impact to amenity, natural heritage, cultural or built heritage. This is because an environmental impact assessment that accompanied the planning permission 08/00155/FULRC examined the existence and sensitivity of the site and assessed the impacts of development. It found the site could accommodate the existing development without significant impact and indeed it has brought positive benefit to the local economy and improved road access on the A835, along with a bus stop to increase accessibility by public transport. • The site can be suitably serviced with all relevant infrastructure in place. These matters were all addressed in planning permission 08/00155/FULRC. • Initial market testing for potential future commercial operations has been reasonably positive. Approaches have been made by general industrial operators in the energy / waste / recycling and storage sectors, to examine the potential for use of the land. As a result the landowners confirm the site is marketable and it would not be constrained if proposals came forward to advance operations. On the basis of these matters above, supplemented by the earlier consultation submission of 28th June 2013, it is demonstrated that all matters have been addressed that will assist the Council in its assessment of the future development potential of the land. It would be appreciated that you contact me in the event that you wish to discuss the proposal in greater detail at this stage. It is considered that allocation of the site would provide more certainty and clarity to the site operators and also to potential new operators or developers seeking to grow business in the industrial sector.

Allocated to	Tore	General	General	
--------------	------	---------	---------	--

Customer Number	03870	Name	Mr Neil Gray	Organisation	Colliers Internatioinal
Agent Name amd Organisation (if applicable)					
Section	4.Development Allocations		Paragraph		
Reference			Type	Change	Comment Late
				No	

Comment Changes

Please refer to attached representation. Seeking a change to the Proposed Plan to indicate the identification of land at Mullans Wood, near Tore, for Industrial use.

Representation

The contributor made previous representations (see attached representaiton in full); seeking the identification of land for industrial use. This is based on an extant planning permission for a recycling centre (now operational) and the availability of further land at the site for expansion of industrial uses. Further details justifying the proposal are found in the attached representation.

Allocated to	Tore	General	General	
--------------	------	---------	---------	--

Customer Number	04157	Name	Fiona Gilmore	Organisation	
Agent Name amd Organisation (if applicable)					
Section	4.Development Allocations		Paragraph		
Reference	TR1 Tore		Type	Change	Comment Late
				No	

Comment Changes

Remove (assumed) TR1 fromt he IMFLDP

Representation

My husband (Michael John Gilmore) and I should like to make comment/object to the proposed Local Development Plan at Site TR1 by Woodneuk, Tore (14 Houses). As regards our cottage, HC proposed 10+4 houses would mean that there would be 1. Loss of view and sunlight, blocking out daylight 2. Loss of privacy, due to the siting of the proposed buildings. 3. No surface water drainage. 4. Inadequate sewage drainage. No plans for a run off from our septic tank and that of our neighbours. 5. No allowance for extra traffic to and from Tore Primary School. 6. No provision for pedestrian traffic to and from Tore Primary School. 7. Upkeep of the grass hedges. We have maintained ours for the last 21 years. 8. Siting of the proposal buildings too close to our cottage. The impact of said buildings on our cottage. 9. Increase of activity within and around the site will bring more danger to children who may play and cycle around the site. 10. These proposals will result in the value of amenity currently enjoyed by our village being lost or greatly reduced. 11. The elevation-height of the 4 affordable houses are completely out of character with the nature of the surrounding buildings nearby. 12. There are concerns with regard to the dispersion of the run-off from our septic tank that runs toward Woodneuk. I would be grateful if you could note our issues of concern/objection.

Allocated to	Tore	TR1	By Woodneuk	
--------------	------	-----	-------------	--

Customer Number	04518	Name	G. Shaw	Organisation	
Agent Name amd Organisation (if applicable)					
Section	Development Allocations		Paragraph		
Reference	TR4		Type	Support	Comment Late
				No	

Comment Changes

#### Representation

I strongly object to the above proposal for an Industrial site. I was under the impression that when the Black Isle Plan of 2004/5 was passed, no property development would be allowed South of the Coal Yard as this was deemed green belt. I would also like to point out that the road is not suitable for more traffic as the number of lorry's going to the grain dries cannot pass without haking to pull onto the verge and stop. I hope you have considered access off the A9.

Allocated to	Tore	TR4	North of the Grain Mill	
--------------	------	-----	-------------------------	--

Customer Number	04287	Name	Gayle Kerr	Organisation	
Agent Name amd Organisation (if applicable)					
Section	4.Development Allocations		Paragraph		
Reference	TR4		Type	Change	Comment Late
				No	

Comment Changes

There is no reason why the site earmarked as TR4 for use as Industry, should be used for that purpose. The road infrastructure doesn't support it and currently struggles with the amount, size and speed of the vehicles which service the grain plant. There are more than enough empty industrial estates in Inverness, Dingwall, Muir of Ord and Beauly - there is no valid requirement for one at Tore. This is a quiet, rural residential area and allocating such a large area for industrial purposes would spoil the tranquility and have a detrimental effect on house prices. There is no valid reason why you would want to build an industrial estate so close to houses. The increased traffic, not to mention the attraction for fly tipping, litter, travelling communities and undesirables who are attraced to empty industrial estates would have a terrible effect on the area. The area of woodland is home to various animals and birds and removing the wooded area would have a detrimental impact on that. There can be no justifiable reason.

#### Representation

There is no reason why the site earmarked as TR4 for use as Industry, should be used for that purpose. The road infrastructure doesn't support it and currently struggles with the amount, size and speed of the vehicles which service the grain plant. There are more than enough empty industrial estates in Inverness, Dingwall, Muir of Ord and Beauly - there is no valid requirement for one at Tore. This is a quiet, rural residential area and allocating such a large area for industrial purposes would spoil the tranquility and have a detrimental effect on house prices. There is no valid reason why you would want to build an industrial estate so close to houses. The increased traffic, not to mention the attraction for fly tipping, litter, travelling communities and undesirables who are attraced to empty industrial estates would have a terrible effect on the area. The area of woodland is home to various animals and birds and removing the wooded area would have a detrimental impact on that. There can be no justifiable reason for siting an industrial estate here. Please can you provide details of the types of units and businesses who are seeking to be located in this exact area and justify why you have selected this site for this purpose. The road cannot cope with the current amount of traffic, which is mostly generated from the lorries at the grain plant. They drive dangerously and they should be able to access the A9 directly from the grain plant.

Allocated to	Tore	TR4	North of the Grain Mill	
--------------	------	-----	-------------------------	--

Customer Number	04364	Name	Katharine Rist	Organisation	Woodland Trust	
Agent Name amd Organisation (if applicable)						
Section	4.Development Allocations		Paragraph			
Reference	TR4		Type	Change	Comment Late	No

Comment Changes

Proposed industrial site requiring removal of significant area of woodland. The SW to NE strip at NH608514 is ancient woodland and must be preserved and managed. Development of this site is opposed.

Representation

The Woodland Trust Scotland considers that any woodland included in Scottish Natural Heritage’s Ancient Woodland Inventory (AWI) which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and is therefore high value for conservation and worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. Highland Council supplementary guidance notes that woodlands and trees offer multiple benefits in terms of addressing climate change, improving the water environment, providing valuable habitats, timber industry and creating recreational opportunities. Considerations include the cumulative impact of woodland removal, and fragmentation of habitat. Both Scottish Government policy and the Highland Wide LDP policy create a presumption in favour of protecting woodland. The Highland Wide LDP in policy 57 recognises ancient woodland as (depending on the category) of regional or national importance. Both the Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced. The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. The cumulative effect of development is more damaging to ancient woodland than individual effects which should not be considered in isolation.

Allocated to	Tore	TR4	North of the Grain Mill	
--------------	------	-----	-------------------------	--