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By email: Tim.Stott@highland.gov.uk

Our ref:
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Dear Tim,

Highland Council – Inner Moray Firth Local Development Plan – Proposed Plan

I refer to your correspondence of 25th March 2022, inviting comments on Highland Council's consultation on the Inner Moray Firth proposed plan.

Please see below representations from the Scottish Government:-

Plan Section: Policy - Section 3 – General Policies

Proposed Change: Add policy wording (within Proposed Policy 4 *Greenspace* or in one or more additional policies) promoting the enhancement and creation of new green infrastructure with its design giving consideration to the qualities of successful places, and encouraging the temporary greening of unused/underused land, addressing the requirements of SPP paragraphs 225, 229 and 232.

Reason: Scottish Planning Policy (SPP) states (at paragraph 225) that local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. SPP also states (at paragraph 229) that LDPs should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development. SPP paragraph 232 states that in the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

We recognise that individual Placemaking Priorities and developer requirements include various references to the creation or enhancement of green infrastructure. However, we consider that the Plan should include one or more policy/policies (covering the entire Inner Moray Firth plan area) which promote the enhancement and creation of new green infrastructure with its design giving consideration to the qualities of successful places, and encouraging the temporary greening of unused/underused land, addressing paragraphs 225, 229 and 232 of SPP.

Plan Section: Policy - Section 3 – General Policies

Proposed Change: Add policy wording (within existing or in one or more additional policies) requiring development proposals that would result in or exacerbate a deficit of green infrastructure to include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality, to reflect SPP paragraph 231.

Reason: SPP at paragraph 231 states that development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality. The Proposed Plan does not include a policy that specifically covers this requirement.

Plan Section: Policy - Section 3 – General Policies

Proposed Change: Ensure that the Plan protects all types of ‘open space’ as defined in the SPP glossary and detailed in PAN 65, if they are valued and functional or capable of being brought into use to meet local needs.

Reason: It is not clear whether ‘greenspace’, and the associated audit, referred to in Policy 4 cover all types of open space as defined in the SPP glossary and detailed in PAN 65.

SPP (at paragraph 224) requires local development plans to identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

The glossary of SPP defines Open space as “Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places or other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.”

Plan Section: Policy 4 Greenspace

Proposed Change: Reword Policy 4 so that it ensures that all outdoor sports facilities (as defined in the Glossary of SPP) are safeguarded from development except where any of the four exceptions set out in paragraph 226 of SPP are applicable. This may include replacing the term ‘sport sites’ with ‘outdoor sports facilities’ and adding the SPP glossary definition of this.

Reason: SPP paragraph 226 states that outdoor sports facilities should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

Outdoor Sports Facilities are defined in the Glossary of SPP Glossary as:

“Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as: (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green.”

Policy 4 refers to 'sport sites' but this is not defined in the proposed plan. It is not clear whether all Outdoor Sports Facilities (as defined by SPP, as above) are identified as 'Greenspace' in the maps of, and safeguarded by, the proposed plan. In addition, the exceptions set out in Policy 4 are not entirely consistent with those set out in paragraph 226 of SPP. We therefore consider that Policy 4 should be reworded so that it is fully consistent with the terms of SPP paragraph 226.

Plan Section : Renewable Energy Sector (ref: paras 70-74)

Proposed change: The proposed plan identifies support for the supply side of the renewables sector, however it does not cover specific policy support for renewable and strategic energy generation technologies, including onshore wind. This may be due to the fact that renewables generation is provided for in other policy within the wider local development plan and strategies. If not already done, consideration should be given as to whether opportunity for all forms of renewable energy and low-carbon technologies should or can be identified, included and supported in the plan.

Reason: To align with existing (SPP) and emerging national planning policy (draft NPF4) which seeks the identification of those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities AND other renewable energy technologies.

Plan Section: Policy 7 Industrial Land

Proposed change :

The Business and Industrial Land Audit (December 2018) (including any more recent updates) should be explicitly referenced / cross referenced in the Local Development Plan and an explanation should be given as to how it has been used to inform the strategic approach to business and industry within the Plan.

Reason:

Highland Council have conducted a Business and Industrial Land Audit in December 2018. The Business and Industrial Land Audit gives a strategic overview of the total business land supply, including how much of this supply is active and how much vacant land is available for future business development. The Business and Industrial Land Audit, is not referenced in the Local Development Plan, nor is its importance in determining the business and industry strategic approach.

Plan Section : Content of Policy 8 – Placemaking

Proposed change: There is a table - 'Table 4 – Placemaking Design Tools' which should also include Historic Battlefields within the Design Statements section bullet points.

Reason: Battlefield designations have the same statutory status as Gardens and Designed Landscapes for consultations and material considerations in planning decisions.

Plan Section : Missing - Rural

Proposed Change: Include a policy (based on the relevance of the issue), of protecting good quality land from development

Reason: To align with existing (SPP para 80) and emerging national planning policy that seeks to minimise the use of good quality land/ soils for development.

Plan Section : Missing – Climate Change and Coastal Planning

Proposed Change: Identify risks presented by climate change to coastal areas and, if relevant, for development to avoid coastal flood risk areas OR implementing flood defences/ or defences against coastal erosion.

Reason: To align with existing (SPP para 88) and emerging national planning policy that seeks to ensure risks of rising sea levels and more extreme weather events resulting from climate change are addressed.

Plan Section : Missing – Coastal Planning

Proposed Change: Include an integrated approach to coastal planning where relevant to the Inner Moray Firth plan area.

Reason: To align with existing (SPP para 87) and emerging national planning policy that seeks an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary.

Plan Section : Missing – Zero Waste

Proposed Change: Consideration should be given to integrating the requirements of national policy on planning for zero-waste in the plan.

Reason: To align with existing (SPP paras 175-192) and emerging national planning policy that support delivery of Scotland's Zero Waste Policy and targets.

Plan Section: Missing :Gypsy/Travellers and Travelling Showpeople

Proposed Change:

The plan should confirm whether there is a need for sites to be allocated for Gypsy/Travellers and Travelling Showpeople.

Reason: to meet the requirement of paragraph 133 of SPP that states local development plans should identify suitable sites for these communities if there is a need.

It is unclear from the plan whether this need has been considered and if a need was identified .

Draft NPF4 also states that diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure the provision of accommodation for Gypsy/Travellers and Travelling Showpeople.

Plan Section: Missing : A clear explanation of what the Minimum Housing Requirement is

Proposed Change: The proposed plan would benefit from clarifying whether the Minimum Housing Requirement (MHLR) represents the level of identified need or is an assessment of the deliverable land required to meet this need.

Reason: A clearer explanation of what the MHLR is would be useful for readers of the plan.

Plan Section: Missing : Spatial Context for meeting the Minimum Housing Requirement

Proposed Change: The proposed plan would benefit from providing a clear spatial context of the land it intends to allocate in order to meet the Minimum Housing Requirement (MHLR) in Table 3, especially in relation to affordable housing.

The plan would also benefit from explaining its relationship with the Strategic Housing Investment Plan and emerging Local Housing Strategy as to how investment in affordable housing will be directed within the Inner Moray Firth plan area.

Reason: At present, Policy 10 in the plan sets out how affordable housing from open market housing proposals will be delivered.

However, the plan would benefit from providing a spatial indication of the land it intends to allocate in order to meet the remainder of its 6,075 affordable housing MHLR.

Transport Scotland Representations:

Representation 1

Section 4 - Places

Tain

TN03 – TN06 housing allocations

Proposed Change:

It is recommended housing allocations TN03 – TN06 are removed from the Proposed LDP.

Reason:

Scotland's National Transport Strategy 2 states *“Planning and development have a major influence on our transport system....In identifying sites for development of housing, employment, schools, offices, factories, hospitals, and tourist attractions transport considerations will play a crucial role and will do so as early in the planning process as possible. This will have a positive impact on the choices about the types of journeys we make, when we make them and how we make them.”*

Furthermore, *“the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places.”*

NTS 2 outlines the sustainable travel hierarchy and the sustainable investment hierarchy; which should be embedded within decision making to focus on reducing inequalities and the need to travel unsustainably with the use of the private car (including electric vehicles) at the bottom of the hierarchy.

Scottish Planning Policy (SPP) states in paragraph 273 *“The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.”*

Draft National Planning Framework 4 (NPF4) details *“The planning system should support development that minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people. The planning system should ensure that the National Transport Strategy 2 Sustainable Travel and Investment Hierarchies are integrated into the appraisal and assessment of development proposals and decisions in order to make best use of existing infrastructure, and reduce unsustainable travel and transport of goods.”*

Policy 10 Sustainable Transport states *“Local development plans should aim to reduce the need to travel unsustainably by prioritising locations for future development that can be accessed by sustainable modes.”*

Furthermore, draft NPF4 outlines “*We urgently need to reduce the need to travel unsustainably and to encourage people to live more locally. This can be achieved by building on the Place Principle in the creation of 20 minute neighbourhoods...The planning system should support development that will contribute to the creation of walkable, liveable and thriving places that provide and encourage sustainable travel options, provide communities with local access to the wide range of facilities, services, work and opportunities for socialising, leisure and play activities that they need to support a healthier and flourishing community.*”

Based on the above policies and priorities, Transport Scotland recommends housing sites TN03 – TN06 allocated within Tain should be removed. It is strongly considered their siting will promote the use of the private car over more sustainable modes to access services and facilities within Tain, which is contrary to policies and priorities within SPP, NTS2 and Draft NPF4 which promote sustainable travel and access.

It is also considered the siting of the housing may result in increased pedestrian movements across the A9 trunk road which could result in a road safety concern and impact on the safe and efficient operation of the trunk road. Any proposals which compromise road safety will be strongly opposed by Transport Scotland.

A number of new sites were identified in Tain through the Call for Sites. According to the Main Issues Report “*A number of additional sites to the west of the A9 were suggested however the future growth of Tain should be re-directed to more central sites closer to the town centre which benefit from better active travel connectivity to the town centre and the services provided there.*” Transport Scotland agrees with this statement.

Representation 2

Section 4 - Places

Tain

Proposed Change:

In accordance with SPP, the plan should identify any required infrastructure improvements and how they will be funded and delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Tain as the level of development has the potential to cumulatively impact the A9 trunk road and associated junctions. Consideration of how people will safely cross the trunk road should also be considered. Any required mitigation should be included within the plan to fully outline the infrastructure requirements to deliver the spatial strategy.

Reason:

SPP states in paragraphs 274 “*In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport](#)*

network, the appraisal should be discussed with Transport Scotland at the earliest opportunity.”

Paragraph 275 details “Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.”

SPP states “Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact.” This policy is reiterated within the draft NPF4 Policy 10.

Draft NPF4 details the infrastructure first concept, which puts infrastructure considerations at the heart of planning. Policy 8: Infrastructure First details “Local Development Plans and delivery programmes should be based on an infrastructure-first approach. They should: be informed by evidence on infrastructure capacity, condition, needs and deliverability.”

Transport Scotland has determined the level of development allocated within Tain has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging with Transport Scotland throughout the process. The appraisal identifies a total of 193 housing units and approximately 30ha of business which results in a maximum of 591 trips over the 10 year period of the plan taken from the Council’s Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal.

As a result of trip generation information provided by the Council, it is considered further assessment of the A9 junctions around Tain is required to determine the cumulative impact to ensure the level of traffic can be safely and sufficiently accommodated within the current junctions or if junction improvements are required.

As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

Representation 3

Section 4 - Places

Invergordon

Proposed Change:

The plan details in paragraph 179 for the Invergordon settlement statement “Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction, future development found to place additional impact on this Trunk Road asset may be required to make financial contribution towards any improvements made.”

This statement requires to be amended to read; “Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction.”

The Council should also identify any junction improvements required to accommodate the cumulative impact of development within Invergordon. Any future development found to impact on this junction will be required to make financial contribution towards any improvements. The infrastructure required along with who will fund and deliver it should be included within the Plan.

Text relating to capacity improvements to the junction as a result of development which developers will be required to fund should they be required; and that road safety improvements are being investigated by Transport Scotland requires to be updated within the draft Action Programme.

Reason:

SPP states in paragraphs 274 *“In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.”*

The need to undertake an appraisal is reiterated within draft NPF4, which goes on to state the appraisal *“... should identify any potential cumulative transport impacts and mitigation proposed to inform the infrastructure-first approach.”*

SPP paragraph 275 details *“Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.”*

Draft NPF4 details the infrastructure first concept, which puts infrastructure considerations at the heart of planning. Policy 8: Infrastructure First details *“Local Development Plans and delivery programmes should be based on an infrastructure-first approach. They should: be informed by evidence on infrastructure capacity, condition, needs and deliverability.”* Policy 10 Sustainable Transport details, *“A Plan's spatial strategy should be informed by evidence of the area's existing and committed transport infrastructure capacity.”*

Transport Scotland is currently investigating improvements to the A9 Tomich junction near Invergordon to address current road safety concerns. This will not address potential future safety concerns arising from traffic generated by proposed development or create additional capacity to accommodate traffic generated from future development. Transport Scotland considers any additional development utilising this junction will present a road safety concern. Additionally, in accordance with SPP and draft NPF4, the Council requires to determine any potential improvements to the A9 Tomich junction to accommodate the allocated developments.

Data taken from the Council's DPMTAG based appraisal trip distribution spreadsheet details a potential 556 trips reaching the A9 over the 10 year plan period from 245 homes from sites IG1 – 4 and 70.5ha of industrial land at sites IG5 – 7.

It is considered further assessment of the A9 junction is required to determine if the cumulative impact can be accommodated and if junction improvements are required. As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan and associated Delivery Programme, with information provided on how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

Representation 4

Section 4 - Places

Alness

Proposed Change:

As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on who, when and how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

In accordance with SPP, the plan should identify any required infrastructure improvements and how, when and by whom they will be delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Alness as the level of development has the potential to cumulatively impact the A9 trunk road junctions.

Reason:

SPP states in paragraphs 274 *"In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity."*

The need to undertake an appraisal is reiterated within draft NPF4, which goes on to state the appraisal *"... should identify any potential cumulative transport impacts and mitigation proposed to inform the infrastructure-first approach."*

SPP paragraph 275 details *"Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made."*

Draft NPF4 details the infrastructure first concept, which puts infrastructure considerations at the heart of planning. Policy 8: Infrastructure First details “*Local Development Plans and delivery programmes should be based on an infrastructure-first approach. They should: be informed by evidence on infrastructure capacity, condition, needs and deliverability.*” Policy 10 Sustainable Transport details, “*A Plan’s spatial strategy should be informed by evidence of the area’s existing and committed transport infrastructure capacity.*”

Transport Scotland has determined the level of development allocated within Alness has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging and liaised with Transport Scotland throughout the process. The plan allocates a total of 303 housing units and 50.4ha business, 33.6ha industry and 44ha of retail land over the 10 year plan period. This could result in a maximum of 1920 trips over the 10 year period of the plan taken from the Council’s Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal.

As a result of trip generation information for the Alness developments provided by the Council, it is considered further assessment of the A9 junctions around Alness is required to determine if the cumulative impact of development can be sufficiently accommodated within the current junctions or if junction improvements are required.

Representation 5

Development that has the potential to generate traffic that will use the A9/B9161 Munloch Junction

Proposed Change:

The Plan should be amended to include reference to the above, with text to be agreed in conjunction with Transport Scotland.

Reason: In terms of any developments potentially impacting upon the A9 / B9161 Munloch junction, or potentially generating traffic which is likely to use the junction, a Condition will be put in place by Transport Scotland on planning applications relating to these development’s requiring them to make an agreed proportionate contribution to the cost of the vehicle queue detectors and signage installed at the junction. This Condition will apply to all proposed developments including housing, business and industrial developments, with the exception of single house developments which are excluded.

This reflects the existing approach that the Council and Transport Scotland are taking and should therefore be included in the plan.

Yours sincerely

Allen Hughes
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