

SUBMISSION FROM ACTION FOR PLANNING TRANSPARENCY

APT is based in the Highlands of Scotland near Inverness and is a group composed of members of the public. The Objectives of APT are: to encourage honest and open debate between communities and planners; to create a focus for communities and a sharing of experience in planning matters; to raise public awareness of the planning process, and strengthen the participation of local people in all stages of that process.

The comments and recommendations made by Action for Planning Transparency (APT) have general application to the Proposed NPF2 document that the Committees are considering, but have particular application to the Highlands. Our comments at this stage in the life of the document are brief, with the objective of allowing the Committees to focus on our main points. The Committees are asked to refer to our full submission to the draft document consultation if they wish further detail, or they can interact directly with APT using the contact details included. We would welcome the opportunity to be called to give evidence.

This submission cross-refers to the Proposed NPF2 document by using the headings and paragraph numbers used in the proposed document where appropriate. It is submitted to all 3 Committees because of the inevitable cross-over of the subject matter.

Main issues

1. Our belief is that the Highland Council's development proposals for the A96 Corridor between Inverness and Nairn are ill-founded, and have been improperly promoted. APT recommends that the Committees consider the implications and potential consequences of the inclusion of references to the Highland Council's A96 Corridor *Development Framework* in the NPF 2. We particularly dispute the inclusion of the text (underlined) in paragraph 212 of the Spatial Perspectives section and wish to request its removal on the grounds that it is variously inaccurate, unjustifiable and prejudicial.

"The A96 corridor between Inverness and Nairn is the main focus of growth in the Inner Moray Firth. Highland Council's A96 Corridor Development Framework includes proposals designed to accommodate an additional 30,000 people in the area over 35 years. These include the creation of a new settlement at Tornagrain, significant expansion at Nairn and to the East of Inverness, a residential and marina development at Whiteness. Development on this scale will require substantial investment in transport and water and drainage infrastructure and the creation of supporting green infrastructure. The *STPR* has identified the need to dual the A96 between Inverness and Nairn and provide a new rail station, airport interchange and park-and-ride facilities at Dalcross. It has also identified a package of improvements to the Aberdeen - Inverness rail line which would reduce journey times between the two cities by 20 minutes and improve the connectivity of communities along the route".

Our grounds for this recommendation range from the economic to the environmental, but the main foci of this particular submission relating to matters of planning principle, the local consultation process, and unsupportable population growth projections.

1.1 The A96 Corridor proposals exist as interim guidance only. The Highland Council (THC) has informed us that *“It is now our (Highland Council’s) intention to include the proposals set out within the A96 Framework in a new local Development Plan being prepared for Highland. This will give the proposals, after full debate and many opportunities for comment and amendment, a statutory basis as part of the approved Development Plan for the area. Importantly, this preparation process will also bring with it a Public Local Inquiry into any outstanding objections”*.

1.2 THC has informed us that *“The Council are continuing to encourage all developers across the A96 Corridor to contribute to the Local Development Plan process, and bring their proposals forward through that process. This will enable a full debate on all the issues which need to be taken into account, including the opportunity for developers to take their outline planning applications through the formal Local Plan Public Local Inquiry process”*.

1.3 The former Chairman of THC Planning Committee has informed us [a] that *“The Council can not of course dictate when individual developers submit their planning applications, and in the case of Moray Estates you are right to say that they intend to submit an outline planning application in summer 2008*^{*}. In all likelihood there will be other applications submitted throughout the Corridor to test policy. Any application received will be dealt with in the context of the policies in place at time of determination. In this case the Highland Structure Plan and the Inverness Local Plan would make up the statutory Development Plan for the area. I have sought further advice and am assured that any proposal for a new town at Tornagrain would currently be a major departure from the Development Plan. Both the A96 Corridor Framework and the National Planning Framework would be relevant material considerations that could be taken into account in the assessment of the planning application, but these would not have the same status as the Development Plan.”* (*now January 2009)

1.4 We understand from the NPF team that *“Those elements within the Spatial Perspectives which require planning permission will be subject to that process”*, however, the statement, *“Where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence”* (240 Development Management NPF 2) also applies to the Spatial Perspectives. This has significant implications for any proposed development within the A96 corridor that does not currently accord with the development plan and is contrary to the reassuring tone in the last sentence of 1.3 above.

It is of serious concern that by virtue of the inclusion of the A96 Corridor Framework in the Proposed NPF the local authority could award planning permission prematurely to the prejudice of the rights of all parties concerned

with the development plan review process. This would be contrary to the wider public interest upon which all planning decisions should be made.

It is already worryingly the case that the existence of the non-statutory A96 Corridor Framework and its potential inclusion in the proposed NPF2 Framework document has been cited by developer / landowners in Highland as part of their case to justify major development proposals; proposals which are contrary, either wholly or in part, to existing development plans. Whilst we understand that policy cannot dictate a decision, we are *extremely* concerned that in the decision making process on these developments there will be emphasis on 'slavishly following' rather than 'having regard to' and particularly with respect with inclusion in NPF 2.

The Highland Structure Plan Written Statement (approved March 2001 by Scottish Ministers): Figure 8 'Housing Land Supply' simply informs us:

The A96 Corridor provides an option of linking new housing development to business opportunities associated with the airport and rail link to Inverness and Nairn. (Our underline)

Whilst Highland Council has stated that the Inverness Local Plan acknowledges the strategic importance of the Corridor, as well as the need to ensure that piecemeal development of the area is avoided, and that "*This established the justification contained within the report presented to and agreed at the 28 January 2004 Planning, Development, Europe and Tourism Committee*", there is no clear signal within the Local Plan of the intention to prepare a Framework for the A96 Corridor, and no site specific reference to a *major* settlement.

Thus to include the new settlement in the proposed NPF 2 will be promoting it to a status it does not currently have within our Plans locally. The inference could therefore be drawn that there is pressure upon the emerging Local Development Plan to include said site-specific new settlement contrary to due process and contrary also to the stated Government intention to "let local circumstances drive local decisions and innovation" (John Swinney Planning Summit in Edinburgh on 28/10/2008); thus the right in expectation of participation in preparation of the Local Development Plan been improperly removed from some parties.

1.5 We believe that the public has been placed at a considerable disadvantage by the way in which Highland Council has chosen to prepare their proposals for the A96 Corridor. "*Early and broadly based discussion with local communities and other parties, including business, on the future direction of change in their area is a fundamental part of the reformed planning system*" (John Swinney 13 September 2007). This early and *broad based* discussion was not a feature of the A96 Corridor proposals. Further, the public was promised by the local authority that it could comment 'unfettered' on all concerns. The rights of all parties in presenting a case must be surely be prejudiced by the inclusion of the specific proposal into this broad strategy NPF. This is surely detrimental to the public interest in every sense

and without interest and input from members of the public the system cannot maintain the public confidence which it requires to function efficiently.

1.6 The STPR [b] has identified the need to dual the A96 between Inverness and Nairn based on current safety considerations rather than additional growth. (It may also have misquoted [c] the aspirational growth figures for the Corridor).

1.7 Population Growth

1.7.1 APT differentiates between projected population growth and aspirational growth. Each area has taken the GROS projections and added significant aspirational growth on a thesis that such growth would be beneficial. In the case of the Highlands, this aspirational growth has been taken to unattainable levels.

1.7.2 To plan for the sort of modest population growth that emerges from the GROS projections is sensible. It is important to then be as realistic as possible in adding aspirational growth figures, because the mere act of adding a guessed figure opens opportunities for developers to propose major new towns and housing schemes, which then take on a self-fulfilling (and circular) justification that they are based upon the need as expressed in NPF2, which need has been based on unsubstantiated population growth projections founded only on national ambitions to grow the population.

1.7.3 Nothing is said about where the jobs are to come from that will sustain these increased populations. [In fact, the STPR Technical Note 19 (which identifies areas of economic activity which are of National importance - to aid assessment of transport performance) concludes with respect to Inverness Airport, "*although it is recognized that there are significant plans for development on the site little evidence has been found as to the nature of the employment likely to be generated and the fit therefore with the strategic industries being assessed here.*" The establishment of a new settlement and expansion of the airport are being inextricably linked locally]. No coherent link is established between population growth and economic wellbeing. If the growth projections had been more realistic, more sustainable, then surely any 'justification' for these new developments could never have arisen.

1.7.4 APT is not against development per se. All that APT asks is that growth projections and development plans are as realistic as possible, (in line with planning advice) and that, over-ambitious projections are completely stripped out of NPF2.

1.7.5 Cross references from Proposed NPF

PROPOSED NPF2 - PEOPLE AND HOUSEHOLDS

Para 30. The Committees will note that the population growth figures for Scotland that GROS are now projecting are modest, 5.37M representing an increase of just 4.5% from the present 5.14M over the 24 years, or an annual

rate of just 0.2%. This provides an important context for the projections being used in the Highlands, and particularly for the Inverness City Vision (which encompasses the A96 Corridor development plans), which uses 100% and 2.6% respectively. This illustrates unequivocally how utterly unrealistic the aspirational figures being used by the Highland Council are.

The Committees will be well aware of the influence on the growth figures of the assumptions made on in-migration to a sub-national area, and that the trend for in-migration from Eastern Europe is reversing.

Para 31. Meeting the demands of providing for the ageing population in the Highlands is surely more important than developing to meet unrealistic population growth targets.

Para 32. A proportion of the population growth in parts of the Highlands and Islands arises because of in-migration from other parts of the sub-region, which are being depopulated. The present plans of the Highland Council will exacerbate this trend. Such remaining in-migration that occurs from out with the Highlands tends to be by professional and / or retired classes, who further increase the challenges of an ageing population. There is no known or realistically projected surge of economic activity in the Highlands that will support more working families, and hence a higher population.

It is also important that the population growth in the other sub-regions mentioned is not over-emphasised. In Skye and Wester Ross, for example, the percentage growth of 1.4% quoted by HIE in practice represents only 246 people. Indeed, the rate of growth peaked in 2005.

Para 34. This paragraph states boldly that the Government's aspirations and targets for population growth exceed projections from past trends. APT argues that it would be far more realistic to set targets in terms of economic growth alone. If the jobs are created the population will follow, and the demand for additional housing and infrastructure provision can then be addressed.

Sustainable Growth

Para 57. APT argues that there is not a strategic concentration of business activity and clusters of related industries in the Inner Moray Firth. Yes, the population of Inverness and its environs has increased over the last ten years, but there has not been a significant increase in economic activity.

Where, realistically, is the industry and commerce to come from to support the Highland Council's aspirations for the area? There is no unique feature of the Highlands that mitigates in favour of this location rather than the Central Belt. Indeed, the poor communications infrastructure between the Highlands and the rest of Scotland, taken with the extra distances to be travelled, indicate that there will be a negative pressure. There is no heavy industry, nor the prospect of any. Service industries will be adversely affected along with the rest of Scotland by the economic downturn.

The fact is that "the strategic concentration of business activity and clusters of related industries in the Inner Moray Firth" is an aspiration of local planners and development agencies. Where does that leave communities in terms of real economic growth? Further work may reveal the view that the A96 Corridor Framework is not a key priority for regional development.

SPATIAL PERSPECTIVES

Para 183. This paragraph notes that the Highlands and Islands have unique environmental and cultural resources offering very substantial opportunities for sustainable growth. APT say that whatever development is planned it should not serve to destroy those advantages. This would be so in the case of the Highland Council's Inverness - Nairn Corridor proposals.

Para 184. Major change is not taking place in the Inverness – Nairn Corridor. There is no "scale and complexity of issues" that cannot be addressed by local planning processes and methodologies. There is no need for co-ordinated action in the national interest for this "key location". The development of the Inverness – Nairn Corridor is a matter that can be dealt with locally, without the imprimatur implied by inclusion in the final NPF2 document.

HIGHLANDS AND ISLANDS

Para 209. The operating region of HIE is significantly wider than that of the Highlands alone. When HIE's projection of 15% population growth is compared with the GROS projection for Scotland of 4.5%, it can be seen that the HIE figure is mostly aspirational. Indeed, given the remote nature of most of the area that HIE covers, and the historic low levels of economic activity, their aspiration for half a million population for the Highlands and Islands is unrealistic and unrealisable. The focus on the A96 corridor will be to the detriment of HIE's own desire for growth throughout the whole area.

Para 210. APT argues that far from the Inverness City Vision (ICV) playing an important role in guiding future development, in fact it is an unsound document on which to take local development plans forward. It is hugely and unrealistically aspirational, and it is impossible to find hard economic and demographic justification for the wish lists in this document. The ICV was prescriptive in tone when it stated, "*A place with critical mass by 2030*" – 30,000 people in a "*series of new communities*" along the corridor (This has now become 30,000 by 2041 in the A96 corridor Framework and there is currently NO statutory document that contains justification for the numbers proposed). APT recommends that all reference to this non-statutory document is removed from NPF2.

Para 212. The A96 corridor between Inverness and Nairn is only the main focus of growth in the Inner Moray Firth because local authority planners and local landowners have sought to make it so. In comparison little attention has been given in the Highland Council's development plans to the needs of the more remote Highland communities, nor to the growth opportunities in other

nearby areas, such as the Beaully Firth and Easter Ross. This narrow focus on the A96 corridor has no justification in terms of community wellbeing, or in sustainability.

The principal and major flaw in the A96 Corridor Development Framework proposals lies in the aspirational 'need' of the A96 corridor Framework to accommodate population growth of 30,000 people over the next 30 years from 2011 (*35 years stated in the NPF2 paragraph*). APT has frequently challenged the population growth figures that are being used as justification for this development framework. There is a range of projections for what the growth will actually be over the next 30 years. GROS forecast a local growth rate of 0.4% per annum; even the most optimistic, aspirational, projections only forecast a rate of 0.5%.

These two rates forecast population growths of 7,500 people and 11,400 people respectively over the 30 years, both way below the 30,000 figure used in the A96 Corridor proposal. To achieve that very high number would require a year-on-year growth rate of 1.5%, a figure that APT does not consider credible. (*To further emphasise the point, the local growth rate over the last 10 years has been just 0.3% per year*). The point that APT makes is that if the 30,000 figure is so very wrong, then the whole A96 Corridor development proposal has been founded on a false premise.

The NPF2 paragraph reflects that such growth as is proposed would require substantial investment in transport and water and drainage infrastructure, and the creation of supporting green infrastructure. Given that the population growth figures are unrealistic, there is actually no need for such infrastructure investment. See previous comment at 1.6.

By the same token, there is also no need for a new settlement at Tornagrain. Indeed, in addition to the aforementioned concerns that it is inappropriate at this early stage to identify Tornagrain as the site of such a new settlement we believe other solutions that might be considered preferable have not been sufficiently explored. To have a proposal for a specific new settlement at Tornagrain in NPF2 promotes it improperly to a status it does not have in the Structure Plan.

The Committees are asked to cross-refer to Page 43, Para 6.24 of the Scottish Government report - Analysis of Consultation Responses - where the strength of local feeling can be gauged.

<http://www.scotland.gov.uk/Resource/Doc/253481/0075128.pdf>

2 Concerns regarding the Proposed NPF consultation process:

2.1 The level of community awareness with respect to proposed NPF is very low and disproportionately low with respect to the status of the document. We believe that communities likely to be affected by the Local Authority's proposals for the A96 Corridor were not aware of the fact that the Local Authority was seeking to influence the NPF2 in this respect and indeed

awareness of the significance of the draft NPF2 with regard to the local planning process is extremely limited.

2.2 We appreciate that Councillors were asked to approve a recommendation to seek to influence the NPF 2 but we are not aware of the existence of any guidance whereby the Local Authority is required to update the local community of its intentions in this regard. Given the statutory importance of such a unique and groundbreaking national document, we feel that it is a serious omission that guidance was not given by the Government to Local Authorities with regard to public involvement in this respect.

2.3 The consultation has not achieved the Government's own standards of community engagement [e]. This is not an example of good practice. We therefore call for the Scottish Government's consultation on its second National Planning Framework (NPF2) to be re-run.

C Stafford
Action For Planning Transparency

11th January 2009

[a] Text contained in an e mail received from Councillor Drew Hendry, Chair of the Highland Council Planning, Environment and Development Committee sent 17/11/2007.

[b] Transport Scotland (TS) STPR Environmental Report.

[c] TS STPR - Report 1 – Review of Current and Future Network Performance; 6.1.5 states 40,000 by 2041 instead of 30000.

[d] TS STPR Report 1 Appendix A Technical Note 19 Nationally significant economic activity.

[e] Critique of the National Planning Framework 2 Consultation Process
www.planningdemocracy.org.uk/NPFreport.pdf