

NAIRN IMPROVEMENT COMMUNITY ENTERPRISE (NICE), NAIRN RIVER COMMUNITY COUNCIL AND NAIRN WEST AND SUBURBAN COMMUNITY

MASTERPLAN CONSENT AREAS

PAPER TO ECONOMY AND INFRASTRUCTURE COMMITTEE OF HIGHLAND COUNCIL – 2 MAY 2024

Following detailed scrutiny by Nairn Community representatives, please find attached an analysis of the paper on Masterplan Consent Areas to be tabled for approval at Thursday 2nd May by the Economy and Infrastructure Committee of the Highland Council. The Highland Council paper spells out the Local Development Planning Team's intent with regard to implementing this new 'discretionary power' in Highland.

We are sending you a copy of the Council's paper together with our analysis as representatives of key Nairnshire community bodies including NICE community development trust (Local Place Plan lead body) and the two Nairn Community Councils (Nairn River and Nairn West and Suburban) so that your Community is aware of the significance of the proposals contained in this Council paper and how it will impact your local area.

Local Place Plans are a new piece of legislation currently being implemented this year and a key priority of National Planning Framework 4. They are designed to support a shift from 'developer led' planning towards a more community led approach to local planning so that Local Development Plans fully reflect 'the place principle' and deliver on what local people who live and work in an area have actually said that they want and need for the future of their community.

In Nairnshire we have just completed extensive public consultation and are now pulling together a Local Place Plan for Nairnshire with local community and business representatives working closely together with Highland Council and Planning Aid Scotland. Other LPP's are in development for the Black Isle, Contin, and Strathnairn in the Inner Moray Firth area and all are due to be published by September 2024.

The proposals contained in the MCA paper are premature and poorly timed, and out of kilter with current legislation including NPF4, the new Scottish Planning Framework, the Community Empowerment Act and the Planning Scotland Act which introduced Local Place Plans which represents a clear shift away from developer led planning which was recognised by the Scottish Government as having failed local communities.

Below is a summary of the main concerns we have about this ill-conceived paper.

- MCAs clearly have some potential to provide benefits for Planners, as public servants, to deliver for local communities.
 - However, we are disappointed that MCAs are presented in this paper as solely a tool to make it easier for Council officers and developers to bypass the planning system to facilitate and fast track mass new build housing and (potentially) major industrial development, while minimising public and elected member scrutiny and engagement .
 - Development Planning is about so much more than housing - including space for business expansion and jobs, Regeneration of existing assets e.g. Town Centres, accessible community amenities, protecting natural environment and green spaces, and importantly making sure that all key infrastructure is in place before any new or major development can take place.
 - This paper instead presents Highland Council's primary 'intent' is to use MCA's to favour and incentivise 'developer led' planning and mass new build housing, over community led collaborative approaches to local planning.
 - Furthermore, because MCA legislation is only at the draft stage nationally and it is far too early to be identifying potential 'sites' especially before any Local Place Plans are even completed to indicate what our local communities actually want. Why the rush? Why not wait till after end September when all Highland LPPs will be publicly available as a steer for Planners.
 - The small selection of sites proposed in the paper pre-empts the publication of LPPs and also flies in the face of NPF4 planning policies, by focusing only out of town, car dependent, large scale new build.
 - Furthermore, we are aware there is major housing development of 5000 new homes already underway at Tornagrain along with a similar number planned between Balloch and Smithton
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areas of Inverness to meet the demand of future potential economic growth in the Green Freeport area.

- The Housing Land requirement agreed by the IMFLDP2 Reporter already included a significant allowance for economic growth.
- In Nairnshire we know already from our recent extensive Local Place Plan public consultation that most local people do not want a repeat of mass new build development at Lochloy - they would rather have regeneration of town and village centres, (like in Inverness) and build community through small developments which re use existing empty properties and promote 20 minute neighbourhoods with safe active travel routes, modern accessible community amenities (something which the Lochloy Development in Nairn did not deliver to almost 1000 new homes built since 1996)
- The suggestion of Nairn East as a possible MCA site is entirely contrary to recent recommendations of the Scottish Government Reporter who said that ... *'development was wholly dependent on the completion of the Nairn Bypass'* and thus more than likely beyond the timeframe of the forthcoming new Highland Local Development Plan.
- The Reporter also made clear that future development of land and use of buildings in Nairn should be determined through the Local Place Plan process.
- Why has THC chosen not only to ignore but to directly flout the Scottish Government Reporter's recommendations which are binding on the Council?
- Why have officers chosen in their paper to omit all reference to the new statutory role of Local Place Plans as material considerations in Planning decisions?
- NPF4, the new Scottish Planning Framework, stresses the importance of multi-agency collaboration and a community led approach at local level to get planning right for communities.
- This paper presents MCA in Highland solely as a 'private developers charter' giving Highland Council Planning officers, developers and landowners a free hand to bypass the planning system and elected members, permitting officers to make up their own rules and change Scheme of Delegation at will to meet the requirements of developers.
- There is no mention anywhere in this paper of the interests or needs of communities or their representatives' role in engagement or collaboration.
- Elected members are being rushed into agreeing in principle to adopt a preconceived and unconsulted outline of a Highland MCA 'scheme' without being provided with any detail and time to understand local implications. As it stands this paper primarily provides THC Planning officers 'carte blanche' to remove opportunities for proper scrutiny by elected members and the public, and to set out details at a later stage to flex the rules to suit developers as they come forward with plans.
- Elected Members need to establish clearly, before deciding on this matter, the reason why Officers have defined sites prematurely in this paper and why they asking elected Members to approve them, before the Scottish Government regulations have been finalised or LPPs have been published?
- These proposals present a serious risk to public confidence in Council representatives and the democratic process in Highland by removing the checks and balances of the current Planning Application system and thereby public scrutiny of developers plans and subsequent changes.
- The MCA is presented and focuses on the context of the potential economic opportunity of the Moray Firth Green Freeport.
- However plans for Ardersier Port, Cromarty Firth and Inverness Harbour are at an extremely early development stage with any projections for new job creation and additional housing need entirely speculative and potentially at least 10-15 years away beyond the timeframe of the forthcoming Highland Local Development Plan.
- The paper also ignores the pressing need for key infrastructure development across the Highlands, including an A96 Nairn bypass (also likely to be up to 15 years away) before capacity for further major housing development is possible, particularly in the Nairn area .

We met yesterday to brief our elected ward members who fully support our endeavours and hope our analysis will be of help to your Community and act as a touchstone to ensure local communities rights are upheld with regard to their involvement in decision making which impacts where they live and work.

Kind regards

LPP/CC Team
29 April 2024
